

Notice.

CALCUTTA MUNICIPALITY.

OWING to Monday, the 29th instant, being the first open day after the holidays, but few Justices will be able to attend the Quarterly Meeting which has been convened on that day in accordance with the provisions of the law, Notice is therefore given that the Meeting will be only a *pro forma* one, and will be adjourned till Thursday, the 1st November, when it will be held at 11 A. M. at the Town Hall.

The adjourned Special General Meeting fixed for Monday, the 29th instant, is postponed till Thursday, the 1st November, when it will be held after the Quarterly Meeting.

At the conclusion of the business to be brought forward at the above Meetings, a Special General Meeting will be held for the transaction of the following business:—

1st.—The Chairman to submit for approval the site he proposes for the new square and tank in the Northern Division of the Town.

2nd.—The Chairman to submit reply from Government of Bengal, No. 2784T., dated 3rd October 1866, on the appointment of Stipendiary Magistrate to try offences under the Municipal Act, and to propose

“That in event of Government being pleased to appoint a Stipendiary Municipal Magistrate, the Justices do agree to guarantee a salary of Rupees 300 per month, and the cost of a suitable Establishment from the Municipal fund.”

3rd.—The Chairman to submit for sanction the proposal made by the Finance Committee to grant the Secretary an increase of salary, amounting to Rupees 200 per month, with effect from commencement of 1867, in consideration of the length of time he has held his present appointment.

4th.—The Chairman to propose that the consolidated salary of the Officiating Chief Engineer be fixed at Rupees 1,200 per month, which effects a saving of Rupees 325 per month on the allowances drawn by Mr. Clark, and provided for in the Budget Estimates.

ROBT. TURNBULL,

Secy. to the Justices.

CALCUTTA,
The 23rd October 1866. }

বিজ্ঞাপন।

কলিকাতা নগর পরিপাতি করণার্থ সভা।

বর্তমান মাসের ২৯ তারিখ সোমবারে কাৰ্যালয় খোলা হইবে। আইনের বিধানানুসারে সেই দিনে সভার ত্রৈমাসিক অধিবেশন হইবে। কিন্তু দুর্ভাগ্যে-সবের বন্ধের কারণে সেই প্রথম দিনে অতিসদের মধ্যে অভ্যাস ব্যক্তিরা উপস্থিত হওয়া সম্ভাবনা, এই হেতুক সম্মান দেওয়া গেল যে সেই দিনের সভা কেবল নাম-মাত্র হইয়া নবেম্বর মাসের ১ তারিখ রুহস্পতিবার বেলা ১১ ঘটিকার সময়ে টৌনহালে সভা অধিবেশন হইবে।

যে বিশেষ সাধারণ সভার কার্য সম্পাদন করিবার জন্যে বর্তমান মাসের ২৯ তারিখ সোমবার নির্ধার্য হইয়াছিল, সেই সভার কার্য নবেম্বর মাসের ১ তারিখ রুহস্পতিবারে সম্পাদন হইবে। ত্রৈমাসিক সভার পর ঐ বিশেষ সভা হইবে।

উক্ত দুই সভার কার্য সমাপ্ত হইলে পর নিম্ন লিখিত কার্য সম্পাদনার্থে বিশেষ সাধারণ সভা হইবে।

১। সভাপতি নগরের উত্তরাংশের যে স্থানে নৃতন চত্বর ও পুষ্করিণী করিতে মনস্থ করেন তাহা অনুমোদনার্থে জ্ঞাত করিবেন।

২। মুনিসিপাল আইনের উল্লিখিত অপরাধ হইলে তাহার বিচার করণার্থে বেতনগ্রাহি মাজিষ্ট্রেটকে নিযুক্ত করণের প্রার্থনা বিষয়ে, বঙ্গদেশের গবর্ণমেন্ট ১৮৬৬ সালের ৩ অক্টোবর তারিখের ২৭৮৫T নং পত্রে যে উত্তর দিয়াছেন সভাপতি তাহা পঠ্য করিয়া, এই প্রস্তাব করিবেন।

“গবর্ণমেন্ট যদি বেতনগ্রাহি মুনিসিপাল মাজিষ্ট্রেটকে নিযুক্ত করিতে সম্মত হন, তবে অতিসেরা মুনিসিপাল ফণ্ড হইতে তাঁহাকে মাসে ৩০০ টাকা বেতন এবং প্রয়োজনীয় কর্মচারিদিগকে রাখিবার উপযুক্ত টাক দিতে প্রতিজ্ঞা করেন।”

৩। সেক্রেটারী সাহেব বহুকালাবধি অীয় পদের কর্ম নির্বাহ করিয়া আসিতেছেন, এই প্রযুক্ত ফিনান্স কমিটী ১৮৬৭ সালের প্রথম অবধি তাঁহার বেতন ২০০ টাকা হ্রাস করিবার প্রস্তাব করিয়াছেন। সেই প্রস্তাব অতিসদের অনুমোদনার্থে উপস্থিত করা যাইবে।

৪। সভাপতি একটিং চীফ ইঞ্জিনিয়ার সাহেবের মাসিক বেতন মোটে ১২০০ টাকা অবধারণ করিবার প্রস্তাব করিবেন। সেই বেতন ধার্য্য করিলে ক্লার্ক সাহেব অনুপস্থিতি কালে যে টাকা পান ও বজেটে যাহার বিধান হইয়াছে সেই টাকা হইতে মাসে ৩২৫ টাকা কাটিবে।

রবার্ট টর্নবুল।

অতিসদের সেক্রেটারী।

কলিকাতা।

১৮৬৬ সাল ২৩ অক্টোবর।

[1830]

Wanted,

A Translator and Head Assistant for the Judicial Department, GOWALPARAH. Salary, Rupees 90 per month.

Applications, forwarding testimonials, to be sent to the Deputy Commissioner, GOWALPARAH. A good knowledge of English and Bengalee indispensable.

AT. B. CAMPBELL,
Deputy Commissioner.

GOWALPARAH,
The 13th October 1866. }

Advertisement.

Found on the 11th August, near Nazirgunge, on the Hooghly, a ship's mast, about 40 feet in length and 70 feet of chain. Claimants to apply to the undersigned.

A. SMITH,
Magistrate.

MAGISTRATE'S OFFICE, 24-PERGHAS ;
Alipore,
The 11th October 1866. }

Notice.

No. 170.

NOTICE is hereby given that the exclusive right to collect Caoutchouc, in the district of Luckimpore, Upper Assam, will be sold by public auction in two lots at the Catcherry of the Deputy Commissioner of Revenue on the 2nd November next. The general conditions of the lease will be as follows :—

1st.—The lease to be for one year, ending 30th April 1867.

2nd.—The period of collecting to be limited to the interval between the 1st November and 30th April.

3rd.—To provide for the loss of trees by tapping the lessees to bind themselves to plant 100 young trees in each lot.

4th.—On failure of the engagement the grant to be resumed, unless good cause be shewn.

A. K. COMBER,
Deputy Commissioner.

DIBROOGHUR ;
Revenue, Depy. Commr.'s Office, }
The 1st October 1866. }

Commillah Municipality.

BYE-LAWS UNDER ACT III. (B. C.) OF 1864.

For regulating the time and mode of collecting the Rate and Taxes.

1. Each quarterly instalment of the rate and taxes mentioned in the Act shall be considered to have become due at the commencement of the quarter on account of which such instalment is payable, and may be levied at any time after the commencement of such quarter, that is to say :—

The instalment payable on account of the quarter ending	{ 31st July. " Oct. " Jan. 30th April.	May be levied on	{ 1st May. " Aug. " Nov. " Feb.
		and after	

2. From the list prepared under the provisions of Sections 29 and 39 of the Act, the collecting officer shall prepare the bills prescribed by Section 44. The bills so prepared shall be issued under the seal of the Commissioners to the subordinate officers on the collecting establishment, and shall be by them presented to the persons named therein, in the manner hereinafter described.

3. Every collecting officer shall be provided with a certificate of his authority to collect; and every such certificate shall bear the seal of the Municipality and the signature of the Chairman. Every collecting officer at the time of demanding payment shall be bound to show this certificate if required.

4. The collecting officer taking the money in payment of any demand shall give the receipt for it.

5. When the name of any owner is not known, it shall be sufficient to designate him in any notice, bill, or other proceeding under the Act, as the owner of the property on which the rate is assessed, without further description.

6. Every bill, for any sum due on account of the rate or taxes leviable under the Act, shall, if possible, be presented to the individual named therein in person; but if such personal presentation be found impossible, the bill shall be left at his usual place of abode, and such delivery shall be deemed to be the presentation required by Section 44.

7. The officer to whom a bill may be issued for presentation shall receive the amount of such bill at the time of presentation, or at any time within ten days from the date on which the bill shall have been first presented by him.

8. Every person required, in writing, to furnish any schedule or return which the Commissioners may lawfully require him to furnish, shall send such schedule or return to the office of the Commissioners within one week from the date of the service of the requisition in the manner described in Section 81 of the Act. Any person failing to do so shall be liable to a penalty not exceeding Rupees 5 for the omission, and to a penalty not exceeding Rupees 2 for every day the omission shall after warning continue. Any person submitting a false or incorrect schedule or return shall be liable to a penalty of Rupees 5, provided that nothing in this Bye-law shall be held to

prevent the institution of a criminal prosecution under the Penal Code should the facts appear to warrant such a proceeding.

9. Every owner, occupier, or other person, shall permit the Commissioners, or any one appointed by them, under a written authority, for that purpose, at any time between sun-rise and sun-set, to enter and inspect any coach-house or stable in which there is reason to believe that there is any vehicle or animal liable to taxation under Section 35 of the Act. Any person obstructing the Commissioners or any person duly authorized by them in making such entry and inspection shall be liable to a fine not exceeding Rupees 20.

10. Every distraint made under the Act shall be executed by the collecting officer, unless the Commissioners may otherwise direct, and the property distrained shall, pending sale or recovery from the defaulter of the amount due, remain in charge of the collecting officer, who shall deliver a list in the Form C., prescribed in the Act, of the property distrained.

11. Immediately on distraint the distraining officer shall post upon the house of the defaulter a notice of sale, fixing a day for the sale not less than seven days from the date of distraint; and on the day of sale notice shall be given by beat of drum.

12. Payment of purchase money for property sold, and delivery of the property, shall be made immediately after the sale; and if the purchaser fail to pay the full amount of his bid, it shall be lawful for the distraining officer, at his discretion, to sell the property again on the same or any other day, and the first purchaser shall, in such case, be responsible to the Commissioners for any loss which shall be recoverable as a debt due to them.

For regulating the conduct of persons employed by the Commissioners.

13. All persons employed by the Commissioners, whose services may be no longer required, shall be liable to discharge after receipt of previous notice, or pay in advance, for the period of one month; and no such person shall withdraw from the duties of his office without having given previous notice for the period of one month, on pain of forfeiture of one month's salary.

14. All persons now holding, or who may hereafter be appointed to, any office under the Commissioners, shall, when required so to do, furnish good security to such amount as the Commissioners may from time to time fix; and any person failing to furnish such security within reasonable time, or within such time as the Commissioners may appoint, shall be held to have thereby forfeited his appointment and may be removed from office.

15. Whenever it shall be proved to the satisfaction of the Commissioners that any person in their employ has been guilty of any violation of duty, or wilful breach or neglect of any rule, regulation, or order made or given by competent authority, or has withdrawn from the duties of his office without permission or without having given previous notice for the period of one month, or has done any act by the performance of which, or has omitted to do any act by the non-performance of which, the Commissioners shall have suffered, or may have incurred the risk of suffering loss or injury, or has failed to perform any duty with all due diligence, or has been guilty of any act of insubordination towards any superior

officer, or has accepted or obtained, or agreed to accept or attempted to obtain, from any person, for himself or for any other person, any gratification whatever, other than authorized remuneration in respect of any official act, or has in his official capacity given any information which he knows or believes to be false, or has committed any offence punishable under any law, such person shall be liable to punishment by fine not exceeding one month's pay, or by suspension from office for such period as the Commissioners may fix, or by degradation, or by summary dismissal from his situation, in addition to any penalty to which he may be liable under the provisions of any law. Any person so dismissed shall be liable, at the discretion of the Chairman, to forfeit all pay and allowances due to him, not exceeding the pay and allowances for one month.

16. The Chairman or Vice-Chairman may originate, receive, or enquire into a complaint of misconduct or neglect in the performance of duty against any person employed by the Commissioners.

17. Nothing herein contained shall be held to debar the Commissioners from instituting proceedings in any Civil Court having jurisdiction against any person being or having been in their employ, with a view to the recovery of damages for any loss or injury which they may have sustained in consequence of any act done or omitted to be done by such person.

On matters of Concernancy.

18. No person shall dig or make, or cause to be dug or made, in any place, any tank, pond, well, ditch, water course, or other excavation, without the written permission of the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

19. No person shall put, or cause to be put, on any house, or other building, any spout, or other thing, intended for the conveyance and discharge of water, which shall be so placed that the water discharged therefrom shall be thrown or fall upon any public road or thoroughfare.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, 1 Rupee daily.

20. No person shall deposit, or cause to be deposited, in, or by the side of, any public drain, any substance or thing whereby the said drain is, or may be, in any way obstructed.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

21. No person shall construct, or place over, or by the side of, any public drain, any bridge, platform, building or structure of any kind except by and with the written permission of the Commissioners, and in such manner as they shall direct.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

22. Any person being the owner of any fallen trees or shrubs, or the owner or occupier of the land on which such trees or shrubs may have been growing, shall remove them after notice within the time prescribed by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 2 daily.

23. If any house, wall, or other erection, or any part thereof, fall upon any public highway, or into any public drain, the owner of such house, wall, or erection, shall remove it after notice, within the time prescribed by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 5 daily.

24. No person shall prepare any canal or convey water by any canal, across any public thoroughfare, except in such manner as shall have been first approved by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 2 daily.

25. No person shall steep in any tank, or ditch, within municipal limits, any jute, hemp, or other vegetable matter, likely to render the water of such tank, or ditch, offensive or noxious to the neighbourhood.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, Rupees 2.

26. No person shall, without the written permission of the Commissioners, set up any obstruction in any nullah or water-course; and the Commissioners may order the removal of any such obstruction on grounds of public health.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 4 daily.

27. The owner or occupier of any part of the bank of any nullah or water-course shall keep it free from filth, dense vegetation, or other obstruction, and shall at all times allow the Commissioners, or any of their servants duly authorized, to have access to such nullah or water-course for any purpose of public conservancy.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 5 daily.

28. No person shall allow any pigs to be at large, or keep them otherwise than in closed styes.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, Rupees 2 daily.

29. No owner, occupier, or farmer, of any bazar or shop, shall keep the same in other than a clean and proper state; and every such owner, occupier, or farmer, shall, without any delay, cause any meat, fish, or vegetable matter in a noxious state or unfit for food to be at once removed to a place to be notified to him by the Municipal Commissioners. No such owner, occupier, or farmer, shall obstruct any person, appointed by the Commissioners for that purpose, from entering and inspecting any such premises at any time between sun-rise and sun-set.

Penalty for infringement, Rupees 20.

30. No person shall in any way obstruct, or allow to be obstructed, any of the lanes, walks, bye-ways or other thoroughfares in any bazar, by exposing for sale or accumulating any thing on any such lane, walk, bye-way or thoroughfare.

Penalty for infringement, Rupees 10.

31. Every owner, occupier or farmer of any bazar, shall, within 14 days after receipt of notice from the Commissioners, provide such latrines and urinals as in the opinion of the Commissioners may be necessary to secure the cleanliness and health of the bazar.

Penalty for infringement, Rupees 20; penalty for continued infringement, Rupees 5 daily.

32. No person shall perform any office of nature in any place outside private premises, other than such as may have been appointed by the Commissioners, provided that such places have been set apart by the Commissioners.

Penalty for infringement, Rupees 10.

33. No person shall build, or cause to be built, or keep, after prohibition by the Commissioners, any latrine, privy, or urinal, within 20 feet of any public road or street, or in any compound so small as not to admit of that distance being maintained.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

34. No person shall make the door of any private privy to open directly on any public thoroughfare; and any person having the door of his privy so constructed, shall alter it upon receipt of notice to that effect from the Commissioners.

Penalty for infringement, Rupees 20; penalty for continued infringement after notice, Rupees 2 daily.

35. No person shall carry night-soil through the streets, except between the hours of 9 P. M. and 5 A. M. or otherwise than in a closely covered receptacle, or use any place, other than those approved by the Commissioners, for the purpose of depositing such night-soil.

Penalty for infringement, Rupees 20.

36. No person shall suffer any offensive matter from any manufactory, place of business, stable or cook-house, to flow into any river, nullah, canal, tank, or surface drain.

Penalty for infringement, Rupees 20; penalty for continued infringement after notice, Rupees 5 daily.

37. No person shall keep filth, dirt, dung, bones, dead bodies, rubbish, or other matter of a noisome kind, for more than twelve hours, in such a place or manner as to cause annoyance to any person, or injury to the public health.

Penalty for infringement, Rupees 20.

38. All dust, dirt, and rubbish of every kind, the removal of which is undertaken by the Municipal Commissioners, shall be deposited on the side of the road near the entrance of the premises from which it has come, between the hours of 6 A. M. and 8 A. M.

Penalty for infringement, Rupees 10.

39. No refuse resulting from any business, trade, or profession, shall be removed by the Municipal Commissioners, except on payment for removal at such rate as the Commissioners may determine; and any expense incurred on this account shall be recoverable as a debt due to the Commissioners.

40. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth collected from the highways, houses, privies, sewers, and cess-pools by the Municipal Commissioners, shall be the property of the Commissioners, who shall have power to sell or

dispose of the same as they may think proper, and the money arising from the sale thereof shall be applied to the purposes of the District Municipal Improvement Act.

41. No person shall put on any wall, or on any roof of a house, or on any bank, or tree, or on any other place or thing facing any road or public place, any preparation of dung to be used as fuel, or for any other purpose.

Penalty for infringement, Rupees 5.

42. Every person, within whose premises any animal may die, shall, within 4 hours after its death, or, if death occurs at night, within two hours after daylight, either remove at his own expense the carcass to such place as may be set apart by the Commissioners for the reception of such carcasses, or report its death to the conservancy overseer of the division within which such premises may be situated; and in such latter case shall pay to the said overseer the expense of removing the carcass at such rate as the Commissioners may determine; and in cases where the said person is not the owner of the animal, and the owner is known, the owner shall alone be responsible for the payment of such expense, and such expense shall be recoverable as a debt due to the Commissioners. No overseer, when called upon, shall neglect to remove a carcass.

Penalty for infringement, Rupees 10.

43. No person shall let loose, or cause or allow to be let loose, or allow to get loose, any diseased or worn-out animal into any highway, or into any place whence such animal can escape into any highway.

Penalty for infringement, Rupees 20.

44. No person shall deposit, or cause to be deposited, any carcass, or any part of a carcass, in any place other than such places as may, from time to time, be appointed by the Commissioners for the reception of such carcasses.

Penalty for infringement, Rupees 10.

45. No person shall dispose, or cause to be disposed, of any corpse, or any part of a corpse, otherwise than by burning or burying it at or in some lawful burning or burial ground.

Penalty for infringement, Rupees 10.

46. No person shall bury, or cause to be buried, any corpse, or part of a corpse, in any burial ground in a grave constructed of masonry in such manner that the top of the coffin, or the body where no coffin is used, shall be at a less depth than 4 feet from the surface ground.

Penalty for infringement, Rupees 10.

47. No person shall bury, or cause to be buried, in any burial ground, any corpse, or part of a corpse, in a grave not constructed of masonry except in such a manner that there may be at least 4 feet of earth between the corpse or part of a corpse and the surface ground.

Penalty for infringement, Rupees 10.

48. No person shall build or dig, or cause to be built or dug, any grave in any burial ground at a less distance than 2 feet from any other existing grave.

Penalty for infringement, Rupees 20.

49. No person shall build or dig, or cause to be built or dug, a grave in any burial place in any other line than that marked out by the Commissioners.

Penalty for infringement, Rupees 20.

50. No grave once used shall be opened for the burial of another body without the permission of the Commissioners.

Penalty for infringement, Rupees 20.

51. Every person who shall bring or convey, or cause to be brought or conveyed, any corpse, or part thereof, to any burning ground, shall burn, or cause the same to be burnt, within 6 hours after its arrival at the said burning ground.

Penalty for infringement, Rupees 20.

52. No person, when burning, or causing to be burnt, any corpse, or part of a corpse, in any burning ground, shall permit the same, or any part thereof, to remain without being completely reduced to ashes; or shall permit the clothes, or other articles connected with the burning of such corpse, to remain at or near such burning ground, unless the same be completely reduced to ashes.

Penalty for infringement, Rupees 20.

53. No one shall carry a corpse, or part of a corpse, through any highway, unless it be decently covered and totally concealed from public view.

Penalty for infringement, Rupees 10.

54. No person while carrying any corpse, or part of a corpse, through the precincts falling within municipal limits, shall deposit it on or near any public highway for any purpose whatever.

Penalty for infringement, Rupees 10.

55. Every corpse, or part of a corpse, that has been kept or used for purposes of dissection, must be removed in a closed vehicle.

Penalty for infringement, Rupees 20.

56. No person shall picket animals, or collect carts, or form any encampment upon any public ground, without the permission of the Commissioners.

Penalty for infringement, Rupees 10.

Miscellaneous.

57. The Commissioners may cause to be put up, or painted in a conspicuous part of any house, building, wall, or place in any highway, the name by which such highway is to be known. Any person pulling down, destroying or defacing such name, shall be liable to a penalty of Rupees 5.

58. The Commissioners may fix a number in a conspicuous place on the outside of any house or building, or at the entrance of the enclosure thereof fronting any highway. Any person destroying, pulling down, or defacing, any such number, shall be liable to a fine of Rupees 5.

59. It shall be lawful for the Commissioners to levy fees for any licenses granted by them under the Act or the Bye-laws, and the fees to be so charged shall be, from time to time, adjusted by the Commissioners with the sanction of Government.

60. Any person required by the Act, or by any Bye-law under it, to take out a license, shall produce and shew his license when required to do so by any Commissioner, or any person duly empowered by the Commissioners, in writing, to make such requisition.

Penalty for infringement, Rupees 20.

F. G. MILLET,
Chairman.

[1834]

Notice.

SALE OF WASTE LANDS.

Notice is hereby given that a Lot of Waste Land, estimated to consist of about 1,577 Acres, more or less, situated in Thannah Chuckoreah, Zillah Chittagong, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight annas per Acre, on the 2nd of February 1867, at the Office of the Collector of Chittagong, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

R. H. WILSON,
Officiating Collector.

ZILLAH CHITTAGONG;
Collector's Office,
The 13th October 1866. }

BOUNDARIES OF LOT 103.

North—By the Pegua River.
South—By the Burra Kurria Farce.
East—By the Mascul Channel.
West—By the Keotubdeah and Mattarbaree Channels.

R. H. WILSON,
Officiating Collector.

PROBATE of the last Will and Testament of the Right Reverend George Edward Lynch Cotton, Doctor in Divinity, late Bishop of Calcutta and Metropolitan in India and Ceylon, deceased, has been this day granted by Her Majesty's High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Sophia Anne Cotton, his widow, and the Reverend Arthur Octavius Hardy, M. A., two of the Executors appointed by the Will of the said deceased, (reserving power to the other Executor to come in and prove the same). All persons having claims against the estate of the deceased are requested to make known to the same to the said Reverend Arthur Octavius Hardy, at the Bishop's Palace, Calcutta, to whom those indebted thereto are requested to pay the amount of their respective debts without delay.

ABBOTT & LATTEY,
Proctors.

CALCUTTA,
The 11th October 1866. }

Notice.

PORT CANNING

LAND INVESTMENT, RECLAMATION, AND DOCK COMPANY, "LIMITED."

At a meeting of Directors held the 4th day of October 1866, it was resolved that in terms of Clause 14 of Articles of Association a Call of Rupees 100 per Share be made payable on the 15th day of November next at Calcutta and Bombay.

In conformity with the foregoing Resolution, notice is hereby given that a Call of Rupees 100 per Share is made; Shareholders on the Calcutta Register are requested to pay the amount of said Call on their respective Shares into the NATIONAL BANK OF INDIA, "LIMITED," on the 15th day of November next.

The Bank's Receipt must be presented at this Office, with relative Share Certificates, in order to the enforcement of the latter, in respect of payment of said Call.

By Order of the Directors,

BOREDAILE, SCHILLER & Co.,
Secretaries and Treasurers.
No. 3, Fairlie Place.

Notice.

PORT CANNING

LAND INVESTMENT, RECLAMATION, AND DOCK COMPANY, "LIMITED."

THE Directors having made a Call of Rupees 100 per Share, payable on the 15th November next, hereby convene a Meeting of Shareholders at this Office on Friday, the 2nd day of November, when a comprehensive Statement will be laid before them.

By Order of the Directors,

BOREDAILE, SCHILLER & Co.,
Secretaries and Treasurers.
No. 3, Fairlie Place.

Notice.

HUNTER AND COMPANY, "LIMITED."

AN Extraordinary General Meeting of the Shareholders of Hunter and Company, "Limited," will be held at the registered Office of the Company, Nos. 23, 24, 25, Dhurrumtollah Street, on Tuesday, the 6th day of November next, at the hour of 4 o'clock in the afternoon, for the purpose of considering a proposal made by Messrs John Sherriff and Robert Nunn for the purchase of a portion of the Company's property. Also for considering the affairs of the Company, and if deemed advisable passing the following Resolutions:—

1st.—That the Company be wound up voluntarily.

2nd.—The appointment of Liquidators.

By Order of the Directors,

J. SHERRIFF,
Manager.

23, 24, 25, DHURRUMTOLLAH,
The 20th October 1866. }

[1836]

Lost,

THE Right-half of the Government Currency Note, No. A27—20341, for Rupees 20.

Lost in Transit,

THE Right-halves of Government Currency Notes:—

No. 18725, dated 18th July 1861, for Rs. 500.
„ 62560, dated 5th May 1864, for Rs. 100

Lost,

THE following Government Currency Note, No. A28—57352, for Rupees 1,000, by the sinking of a boat on the 17th September 1866 at Goolpara. Payment of the above Note has been stopped.

HURRY MOHUN BANERJEE.

Lost,

SECOND-HALF of the Government Currency Note, No. A24—01690, for Rupees 50.

GOOROO CHURN DASS.

Lost or Stolen,

SECOND-HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A30—30893, for Rupees 100.

GOOROO CHURN DASS.

Inadvertently Received,

RIGHT-HALF of Government Nagpore Currency Note, No. A26—74034, and Left-half of No. A26—74046, stitched, for Rupees 20 each, and of Bengal, No. A9—39957, for Rupees 20, and No. A7—65794, for Rupees 10, stitched. Payment stopped.

JOGENDER NARAIN GHOSH,

Offg. Collector of Assessment.

ASSESSMENT COLLR.'S OFFICE; }
The 3rd October 1866. }

Lost or Stolen,

THE Right-hand half of the Government Currency Note, No. A7—58905, for Rupees 10. Payment of which has been stopped at the Department of Issue of Paper Currency at Calcutta.

TARINY CHURN GOOPTO.

Lost or Stolen,

GOVERNMENT Currency Note, No. A30—88718, of Rupees 100. Payment stopped at the Currency Office, Calcutta. Any one bringing the same to the undersigned will be rewarded.

GOBINDO CHUNDER GHOSAUL,

Kally Ghant, near Baboo Bulloram Bose's Ghant.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Labourers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labour Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

Edited by the Secretary, Board of Revenue.

THE FIRST COMPLETE EDITION OF THE RULES OF THE REVENUE DEPARTMENT.

JUST PUBLISHED,

In one Vol., strongly bound half calf, interleaved,

Price 6 Rs. ; Packing Charges and Postage 1 R. extra.

[Should postage stamps be remitted, one anna additional in the Rupee must be sent to cover discount on sale of stamps.]

RULES

FOR THE

GUIDANCE OF OFFICERS

ENGAGED IN

THE ADMINISTRATION

OF THE

REVENUE DEPARTMENT

IN THE

LOWER PROVINCES OF BENGAL.

This work supersedes "Hume's Manual," and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.

The number of copies available is limited.

ALSO JUST PUBLISHED,

Price 4 As. ; Packing Charges and Postage 2 annas extra,

WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE.

CALCUTTA:

OFFICE OF SUPR. OF GOVT. PRINTING,
MILITARY ORPHAN PRESS

1866.

Caution.

THE Public are hereby cautioned against purchasing or taking in mortgage from Newab Seedeo Nuzur Ally Khan a zemindary called Pergunnah Midnapore, &c., situate in zillah Midnapore, or the undermentioned Soonderbund grants collectively known as the Furreedoanabad Estate, (that is to say)—

Messrs. Gordon, Stuart and Co.'s Grant, No. 79, containing 11,600 beegahs of land in Lot Wagilda.

Messrs. Bagshaw and Co.'s Grant, No. 90, containing 11,700 beegahs of land in Lot Auerntollah.

Mr. Harris's Grants, Nos. 57, 58 and 67, containing 70,000 beegahs of land in Lot Mutbaree and Kally Rutullo and Alanobaker.

Mr. Storm's Grants, Nos. 91, 92 and 100, containing 42,500 beegahs of land in Lot Bhowanee-pore, Bissunpore and Fulancee;

and

Mr. Hentley's Grants, Nos. 87, 88, 89, 93, 94, 95, 96 and 97, containing 29,000 beegahs of land, in Lots Hossenabad, Mohunpore, Southkooreah, Kallydaugah, Nowpira, Sawria and Bhoysa Gungarampore, Pergunnah Bhowanee-pore.

The Public are also cautioned against purchasing or taking in mortgage from the said Newab Seedeo Nuzur Ally Khan his dwelling-house, situate at Ballygunge, or any other real properties, in his possession or standing in his name, situate at Moorsheedabad, Calcutta, and elsewhere, inasmuch as a decree has lately been obtained by Rajah Ojodeeram Khan against him and others in the Judge's Court at Midnapore, whereby it was decided that the said Newab Seedeo Nuzur Ally Khan is not a *bona fide* purchaser for valuable consideration of the said zemindary, Pergunnah Midnapore, &c., and the said Newab Seedeo Nuzur Ally Khan will be found largely indebted to the said Rajah Ojodeeram Khan on account of the mesne profits which have accrued during his possession of the said zemindary.

CALCUTTA,
The 12th October 1866. }

Lost,

FIRST-HALF of No. A9—69857 of July 11th, 1861, value Rupees 20.

Second-half of No. A25—56825 of May 14th, 1862, value Rupees 20. Intimation of loss given to the Currency Office, Calcutta.

Stolen.

FROM the Sub-Divisional Treasury at Brahmenberria, in the District of Tipperah, on or about the 13th October 1866, the under-mentioned Notes:—

1 Paper Currency Note of Rs. 100, No. 27301.
1 Ditto ditto of Rs. 50, No. 05310.
1 Ditto ditto of Rs. 50, No. 29315.

E. G. MILLETT,

Magistrate and Collector.

Lost,

THE Left-halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—No. A30—77483, for Rupees (100) one hundred; No. A23—97525, for Rupees (50) fifty.

J. C. THORPE,

109, Bow Bazar Street.

CALCUTTA,
The 19th October 1866. }

**NOTICES issued by the
POST-MASTER of CALCUTTA.**

No. 153.

The 23rd October 1866.—Mail Packets for the Overland Mail, which leaves Bombay on the 14th November 1866, will be closed at this Office at 6 p. m., on each day as follows:—

Via Southampton on the 3rd November 1866.

Via Marseilles on the 4th November 1866.

Rates of Postage.

	Via Southampton.			Via Marseilles.		
	Rs.	As.	P.	Rs.	As.	P.
Under $\frac{1}{2}$ Ounce	0	4	0	0	6	8
" 1 "	0	8	0	0	13	4

No. 154.

The 23rd October 1866.—The Public are informed that an Express Packet will be sent to Bombay on Monday, the 5th November, and letters will be received up to 6 p. m. of the same day.

The Express Postage must be paid in at one Rupee per $\frac{1}{4}$ of an Ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the Window.



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, OCTOBER 24, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE:

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue, L. P.,

E. B. CHAPMAN,
Secretary.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Bhullooah, will be put up to sale, in the Bhullooah Collectorate, on Monday, the 3rd December 1866, corresponding with 19th Agran 1273 B. S.

The Purchasers of the Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix, with the addition of the following Condition, viz.:—

1. That the purchase will have effect from 1273 B. S.

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
54	1452	Chur Jozid Nuzidpore ...	216 3 32	195 0 0	2 0 0	197 0 0	390 0 0	
68	1510	Chur Ganda ...	55 3 13	63 0 0	1 0 0	64 0 0	126 0 0	

BHULLOOAH COLLECTORATE, }
The 27th August 1866.

J. C. PRICE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government in the under-mentioned Plots of C. Land relinquished by the East Indian Railway Company, situated in the District of Shahabad, will be put up to sale, Revenue free, at the Shahabad Collectorate, on Friday, the 30th day of November 1866, corresponding with 5th Aghun 1274.

The Purchasers of these Plots will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
...	...	Kusbeh Hameedpore, Pergunnah Arrah ...	5 2 19½	.....	.....	.....	45 0 0	
...	...	Nawadahben, Pergunnah Arrah ...	3 2 30½	.....	.....	.....	55 0 0	
...	...	Koerdeh, Pergunnah Beeheea ...	1 0 17	.....	.....	.....	5 0 0	
...	...	Jogeebeer, Pergunnah Beeheea ...	2 0 10	.....	.....	.....	30 0 0	
...	...	Dhakyech, Pergunnah Bhojepore ...	4 0 31½	.....	.....	.....	32 0 0	
...	...	Bhojepore Jadeed, Pergunnah Bhojepore ...	0 1 13½	.....	.....	.....	5 0 0	
...	...	Buroona Beetulpore, Pergunnah Bhojepore ...	1 0 15½	.....	.....	.....	10 0 0	
...	...	Jugdeespore, Pergunnah Bhojepore ...	1 3 34½	.....	.....	.....	32 0 0	
...	...	Chousakhass, Pergunnah Chousa ...	2 0 1½	.....	.....	.....	16 0 0	
...	...	Khelafutpore, Pergunnah Chousa ...	10 2 38½	.....	.....	.....	85 0 0	

SHAHABAD COLLECTORATE, }
The 4th October 1866.

H. ALEXANDER,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Sylhet, will be put up to sale, in the Sylhet Collectorate, on Tuesday, the 4th December 1866, corresponding with 20th Agrahan 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Notice :—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.						Upset price.	REMARKS.
				Revenue assessed.		Road Cess.		Total.			
			A. R. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			
772	9735	Talook Sheik Haroo, Pergunnah Chaup Ghaut	2 3 0	7 15 0	0 2 0	8 1 0	15 14 0		} Will be sold retaining the Government Revenue.		
773	2980	Talook Joyram, Pergunnah Julsooka ...	27 2 35	2 0 0	0 0 3	2 0 3	4 0 0				
	39638	No. Mahamod Shoruff, Pergunnah Khaleeshabun Bag ...	0 2 3	.....	.....	.....	17 8 0			
774	2891	No. Keshno Gobind Surmah, Pergunnah							} Will be sold Revenue free.		
775		Dacca Duckin ...	1 0 26	.....	.....	.....	2 7 2			

T. WALTON,
Collector.

NOTICE

Is hereby given that the Proprietary right in the Government Estate, Hât Chitla, No. 1069, of the 24-Pergunnahs' Collectorate, situated in Pergunnah Magoorah, in the District of the 24-Pergunnahs, will be put up to sale at the Office of the Collector of the 24-Pergunnahs on the 1st day of February 1867.

2. The Estate will be sold to the highest bidder above (7,000 Rupees) seven thousand Rupees.

3. The Estate consists of 13bgs. 6cot. 5ch. of Chandnee land (more or less), and of 3bgs. 17cot., 15ch., more or less, on which the well-known Chitla Hât is held.

4. The purchase will take effect from the 1st of May 1867, from which date the Purchaser will acquire the proprietary right, subject to its liabilities for the eleven months, from 1st of May 1867 to 31st March 1868; the Purchaser will be liable to pay Rupees 3,208 as Government revenue. From the 1st of April 1868 to the 31st March 1869, and for every subsequent year, the demand of Government revenue will be Rupees 3,500.

5. Intending bidders can see all papers and learn all particulars by calling at the Office of Mr. Deputy Collector Heysham at Alipore.

6. The sale will be subject to the following Conditions :—

I. One-fourth of the amount bid must be immediately deposited, otherwise the Estate will be at once put up to sale again.

II. If the balance of purchase money be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or, if that day be a close holiday, then by noon of the first succeeding Office day, the sale will be cancelled, (the sum deposited being forfeited to Government,) and the Estate will be again put to sale, at the risk of the defaulting Purchaser, after issue of advertisement, as in the case of original sale.

III. In addition to the ordinary Government revenue fixed on the Estate, the Purchaser shall be bound to pay, for the construction of roads and improvement of communications, one per cent. on the Government revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of revenue.

H. L. DAMPIER,
Commissioner of the Nuddea Division.



APPENDIX (No. II.) TO
The Calcutta Gazette.

WEDNESDAY, OCTOBER 24, 1866.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estate, in the District of Moorshedabad, will be put up to public and unreserved sale, at the Collector's Office of that District, on the 19th November 1866, or 5th Ughran, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866 :—

Class I.—Permanently-settled Estate.

No. 9.—Kismut Kossipore, Pergunnah Kossipore; recorded Proprietors, Kossinath Chowdry and others; Sudder Jumma Rupees 8,074-3, exclusive of the shares of Baboo Rajkissen Sein and Chundra Mookhee Dassya, paying Government Revenue amounting to Rupees 933-4.

W. L. HEELEY,
Offg. Collector.

MOORSHEDABAD;
Collector's Office,
The 4th October 1866. }

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in the District of Burdwan, will be put up to public and unreserved sale, at the Collector's Office of that District, on Monday, the 19th November 1866, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th day of September 1866 :—

Class I.—Permanently-settled Estates.

No. 158.—Shoomoodargunree, Pergunnah Shatsoyka; Proprietors, Sreemuttee Rohemun Nessah Bibee and others; Sudder Jumma Rupees 2,710-8-11.

No. 5177.—Churchundipore, Pergunnah Jehangerabad; Proprietor, Fuzlur Rohim; Sudder Jumma Rupees 511-13-11.

A. J. R. BAINBRIDGE,
Collector.

BURDWAN COLLECTORATE,
The 6th October 1866. }

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in the District of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of that District, on Tuesday, the 20th November 1866, or 6th Aughun 1273 B. S., for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866 :—

Class I.—Permanently-settled Estates.

Towhee No. 1298.—Seven annas share of Pergunnah Suryle; recorded Proprietors, Nobokishen Roy and Rajkishen Roy; Sudder Jumma of which is Rupees 11,875-14-10.

Towhee No. 1299.—Five annas twelve gundahs share of Pergunnah Suryle; recorded Proprietors, Nobokishen Roy and Rajkishen Roy; Sudder Jumma of which is Rupees 11,850-7-3.

F. G. MILLETT,
Collector.

ZILLAH TIPPERAH;
Collector's Office,
The 2nd October 1866. }

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in Zillah Chittagong, will be put up to public and unreserved sale, at the Collector's Office of that District, on Thursday, the 1st November 1866, corresponding with 16th Kartick 1273 B. C., for arrears of Revenue and other demands due on the 25th September 1866:—

Class I.—Permanently-settled Mehals.

No. 51.—Turruff Allee Khan; Proprietors, Shamut Allee, Dewan Bebee Chowdhreine, Aukbur Allee Khan, and Jenut Allee Khan; Sudder Jumma of the Mehal is Rupees 1,608-0-9.

No. 1894.—Turruff Magun Ghonesham; Proprietors, Bhoirub Chunder, Mohamed Dowlut, and Tareenee Churn Surma; Sudder Jumma of the Mehal is Rupees 560-5-0.

No. 2562.—Turruff Ram Bhudra Canongoe; Proprietors, Urjoonbon Bharutty Mohunt, Bonneejan Bebee, Bhoirub Churn, Chundy Churn, Saduck Allee Moonshee, Doorga Churn Doss, Grish Chunder Doss, Indronarian Chowdry, Kalee Churn, Magun Doss, Nussuroollah Moonshee, Nittanund Sein, Petamber, Petambar Canongoe, Raj Chunder, Ramdoss, Ram Mohun Sein, Ramsoonder Sein, Radha Kunt Bhareetee, Ramsoonder, Kalee Kunker Mohunt, Tariny Shunker Canongoe, Tripoora Churn, Unnodah Churn, Nittanundo Sein, Susty Churn Chowdry, Chundy Churn Nundy, Chundy Churn Nundy, Chundy Churn Dhur, Boistub Churn Poddar, Ramsebuck Poddar, Ramrutton Surmah, Gopaul Kisto Surmah, Orjoon Bharuttee Mohunt, Orjoon Bharutty Mohunt, Golam Hossain, Chundy Churn Dhur, Ram Sebuck Bunnick, Abdoolah Nilamdar, Susty Churn, Esan Chunder Canongoe, Ramrutton Surmah, Gopaul Kisto Surmah, Degumber Sein, Zeer Allee, alias Potun, Tarinee Churn, Biswas, Haree Doss Dey, Gookool Chunder Dey, Arradh Dey, Sreemotee Besesseree, Ram Sagoor, Dhur, and Oomachurn, exclusive of the shares of Ram Soonder Sein, Ram Mohun Sein, Doorga Doss, Saduck Allee Moonshee, Nittanundo Sein, Ramsoonde alikinkur, Chundy Churn Nundy, Ram Buttun Surma, Gopaul Kisto Surma, Urjoon Bharutty Mohunt, Petamber Canongoe, Golam Hossain, Esan Chunder Canongoe, and others' shares for which the Revenue is paid, the share of Susty Churn Chowdry will be sold; the entire Sudder Jumma of the Mehal is Rupees 920-6-0.

No. 2588.—Nilam Ram Mohun, Emam Sheriff; Proprietors Ram Mohun Sein and Ram Soonder Sein; Sudder Jumma of the Mehal is Rupees 240-6-6.

R. H. WILSON,
Officiating Collector.

CHITTAGONG COLLECTORATE, }
The 3th October 1866. }

No. 986.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in the District of Zillah 24-Pergunnahs, will be put up to public and unreserved sale, at the Collector's Office of that District on the 1st November 1866, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866:—

Permanently-settled Estate.

No. 41.—Kismut Pergunnah Mooragatcha, Mouzah Loodca and others; recorded Proprietors, Joy Gopal Sircar; Government Revenue Rupees 703-7-11.

A. SMITH,
Collector.

COLLECTOR'S OFFICE; }
24 Pergunnahs, }
The 5th October 1866. }



The Calcutta Gazette.

WEDNESDAY, OCTOBER 31, 1866.

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 4930.

APPOINTMENTS.

The 29th October 1866.—Mr. W. C. Muller to be a Deputy Magistrate, under Act XV. of 1843, and a Deputy Collector, under Regulation IX. of 1833, in the Bhaugulpore Division, to be posted to Darjeeling, and to exercise the powers of a Subordinate Magistrate of the Second Class in any or all the Districts of that Division.

The 30th October 1866.—Moulvy Obedoolah, Deputy Magistrate and Deputy Collector of Jessore, is transferred to Dinagepore, and vested with the powers of a Magistrate in the latter District.

This cancels the unexpired portion of the leave granted to him under orders of the 22nd ultimo.

Mr. W. O'Reilly to be Secretary to the Local Committee of Public Instruction at Balasore.

NOTIFICATION.

The 29th October 1866.—The leave granted to Captain H. P. W. Wynch, District Superintendent of Police, Lazareebaugh, under orders of the 17th instant, is cancelled at his own request.

The following Order issued by the Government of India, in the Foreign Department, is re-published for general information:—

No. 1059.—Political, Simla, the 17th October 1866.—*Notification.*—His Excellency the Viceroy and Governor General in Council is pleased to confer the title of "Rajah Bahadur" on Koonwur Anund Nath Roy of Nattore, c. s. i.

The following Order issued by the Government of India, in the Military Department, is re-published for general information:—

No. 577.—Simla, the 18th October 1866.—The undersigned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India.

Captain Thomas Herbert Lewin, of Her Majesty's 15th Foot, District Superintendent of Police, Fourth Grade, Chingong, Chingong Superintendent, 1st Battalion Chingong

25th February 1866

A. LEWIS,

Secy. to the Govt. of Bengal.

Public Works Department,—Bengal

COMMUNICATIONS,—LOCAL

No. 234.

The 22nd September 1866.

Notification.—It is hereby notified, under Section II. of the *Canals' Act*, 1864, (No. V. of B. L. C.), that the provisions of the said Act shall apply to the following navigable channel in the District from the 1st January 1867, viz:—

1. The bed and Channel of the Dacca Khal from the River Booreegunga, at the Town of Dacca, to the Baloo River near Teermoney.

Under Section VI. of the *Canals' Act*, the Lieutenant-Governor of Bengal has been pleased to fix the following rates for the levy of toll at the under-mentioned places on the said channel on and after the 1st of January 1867:—

DAYAGUNGE AND TEERMONEY

Description of Vessels.	Rates of Tolls.
	Rs. As. P.
On all boats or other vessels, whether laden or empty, per 100 maunds of tonnage ...	
Rafts of timber, bamboos or grass not exceeding 50 feet in length and 5 feet in breadth, per raft...	

No. 235.

The following draft of Rules having reference to the undermentioned navigable channel in the District of Dacca, viz:—The line of channel connecting the Booreegunga with the Baloo River near Teermoney is published for information, under the provisions of Section XI. of the *Canals' Act*, (No. V., 1864, B. L. C.):—

1. Every vessel on entering the above navigable channel shall be liable to measurement by the Officer in charge of the Toll Station, for the purpose of ascertaining the amount of toll to be levied.

2. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the *Canals Act* and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from the stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds on which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches. The measurement of the breadth and depth is to be made in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied, any fraction of 100 maunds less than 50 maunds is to be omitted; and a fraction exceeding 50 maunds is to be charged as 50 maunds only.

3. No raft will be admitted into the channel in excess of fifty feet in length or five feet in breadth. No timber, bamboos or grass will be admitted, except securely and compactly packed in the form of a raft.

4. Every vessel entering the channel shall, on paying the prescribed toll, be furnished with a ticket. The ticket will specify the date of entry, the maundage of the vessel, and the amount of toll paid, and must be produced whenever asked for by the Supervisor, or those duly authorized by him to do so. Payment at one Toll Station shall clear the vessel of the other Station, at which the ticket must be given up to the Toll Collector.

5. No vessels whatever, except such as are employed in works connected with the maintenance or improvement of the line of channel in question, shall be exempted from paying toll.

6. Every vessel or raft which has paid toll shall be allowed three days to pass through the channel, the days of entering and leaving being both included; and any vessel or raft remaining in any part of the channel longer than the period above fixed shall, for each day in excess of such period, be charged demurrage equal to one-half of the toll paid. Every vessel or raft remaining in the channel more than one month, without authority from the Supervisor, shall be subject to be summarily removed.

7. Any person infringing any of the above Rules, or wilfully interfering in their enforcement, shall be liable, under Section XI. of the *Canals Act*, to a fine not exceeding fifty Rupees for any one offence.

No. 249.

The 22nd October 1866.

Notification.—The following Rules having reference to the undermentioned three navigable channels in the Backergunge District, viz.:—

1. The River Damooda connecting Rivers Balasore and Koccha and Kaliganga.—

2. The Coweally River from its junction with the Koccha and Kaliganga Rivers up to the place from where the Jallakatty Bharani Khal rises.—

3. The Jallakatty Bharani Khal, from its junction with the Coweally to its opening into the River Jallakatty, have been passed this day

by the Lieutenant-Governor of Bengal under the provisions of Sections XI. and XII. of the *Canals Act* (V. of 1864, B. L. C.):—

1. Every vessel on entering any of the above navigable channels shall be liable to measurement by the Officer in charge of the Toll Station, for the purpose of ascertaining the amount of toll to be paid.

2. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the *Canals Act* and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern, measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel is to be taken as the number of maunds upon which toll should be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches. The measurement of the breadth and depth is to be made in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied, any fraction of 100 maunds, less than fifty maunds, is to be omitted; and a fraction exceeding fifty maunds is to be charged as fifty maunds only.

3. No raft will be admitted into any of the channels in excess of fifty feet in length or five feet in breadth. No timber, bamboos, or grass will be admitted, except securely and compactly packed in the form of a raft.

4. Every vessel entering any of the channels shall be furnished with a ticket on paying the prescribed toll. The ticket will specify the date of entry, the maundage of the vessel, and the amount of toll paid.

5. No vessels whatever, except such as are employed on works connected with the maintenance or improvement of the lines of channels in question, shall be exempted from paying toll.

6. Every vessel or raft which has paid toll shall be allowed three days to pass through any one of the channels, the days of entering and leaving being both included, and any vessel or raft remaining in any part of the channels longer than the period above fixed, shall, for each day in excess of such period, be charged demurrage equal to one-half of the toll paid. Every vessel or raft remaining in any one of the channels more than one month, without authority from the Supervisor, shall be subject to be summarily removed.

7. Any person infringing any of the above Rules, or wilfully interfering in their enforcement, shall be liable, under Section XI. of the *Canals Act*, to a fine not exceeding 50 Rupees for any one offence.

No. 253.

The 18th October 1866.

The following draft Rules having reference to the Kendrapara Canal and the First Section of the "High Level Canal" from Cuttack to Odoloharriah, are hereby published under the provisions of Section XI. of the "Canals Act, 1864." (No. V. of 1864, B. L. C.):—

1. Every vessel on entering either of the above Canals shall be liable to measurement for the purpose of ascertaining the amount of toll the vessel

should pay, according to the schedule of rates authorized by Government to be charged on the Canal.

II. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the "Canals' Act, 1864," and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds upon which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches, and the measurement of the breadth and depth in feet and quarters of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied on vessels exceeding 100 maunds tonnage, any fraction of 100 maunds less than 25 maunds is to be omitted; exceeding 25 and not exceeding 50 maunds, is to be charged as 25 maunds only; exceeding 50 and not exceeding 75 maunds, to be charged as 50 maunds only; and exceeding 75 maunds, as 75 maunds only. Above one thousand maunds no fraction of 100 maunds tonnage is to be charged. Toll will be charged on vessels under 100 maunds tonnage on the actual measurements of the vessels, omitting fractions of tens of maunds.

III. Every vessel entering either of the above Canals shall be furnished with a ticket on paying the prescribed toll. The ticket shall specify the station at which it has been issued, the name of the person in charge of the vessel, the date the vessel entered the Canal, the point to which it may proceed in the Canal, the maundage of the vessel, the amount of toll charged, and the number of days for which the vessel may remain in the Canal, and the date of such last day. The number of days which the vessel may remain in the Canal without additional payment, shall be calculated at the rate of one day for every 8 miles, for portion of 8 miles, to be traversed.

IV. Toll may be paid at the first station either for the entire number of Toll Stations on the line of navigation, or for any less number of stations.

V. The tickets thus given may be demanded for inspection by any duly authorized Canal Officer, and must be kept on board and at hand for that purpose. They must be shewn at each Toll Station the vessel has to pass, as a passport that no further payment of toll is to be demanded. The tickets shall be delivered up at the last Toll Station.

VI. Owners of vessels may compound by the payment of a fixed sum, for the use of the whole or a portion of either of the above Canals for any period that may be agreed upon, not exceeding one year. Each vessel so compounded for shall be furnished with a ticket shewing the amount of toll paid, the period for which the toll has been compounded for, and the limits of the Canal within which the vessel may pass; such ticket shall be kept on board the vessel and shall be produced when required, under Rule V., but shall be given up only on the date of the expiry of the period for which granted, and at the station from whence issued.

VII. Duplicates of lost tickets, of which the numbers and the dates of entry can be satisfac-

torily established, will be granted by Officers in charge of Toll Stations on payment of a fee of one Rupee.

VIII. Vessels remaining in the Canals for a period exceeding that allowed under Rule III. will pay a demurrage of eight annas per 100 maunds per diem for each day or part of a day that they may remain in excess.

IX. No boats above 18 feet beam over all, and no rafts or floats of more than 10 feet width and 150 in length, will be allowed to enter the Canals.

X. It will not be compulsory for the locks to be opened to single vessels of less than 500 maunds burden, except in the case of mail or despatch boats; but the locks shall be opened for the passage of boats at least twice a day.

XI. Vessels must have their masts fitted so that they can be let down with ease and speed, and when under sail, vessels must always keep in the middle of the Canal; when being tracked, vessels are, as far as practicable, to keep to their port or left side of the Canals.

XII. All vessels anchoring at night are to keep to their port or left bank of the Canals.

XIII. Only one vessel shall be allowed to make fast along and in a line with the Canal banks, and no vessel shall be made fast, or be placed outside of vessels so secured, without the permission of a Canal Officer. No vessel shall, however, be placed in such a position as to endanger the safety of other vessels, to obstruct their passage, or to impede the navigation; and no bamboos or poles shall be allowed to be erected on vessels when at anchor. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XIV. Every vessel when put to shall be securely fastened, and shall at all times have some person in attendance on board of it. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XV. In every case of wreck or obstruction of the channel by sunken vessels, the Canal Officers may call upon the person in charge of the vessel to remove the same without delay, and shall give every reasonable assistance towards so doing. But should the owner of the vessel or raft be not forthcoming, or should he not use reasonable expedition in removing the obstruction, or should he decline or fail to use proper assistance which may be offered to him by the Canal Officers, these Officers may undertake the removal of the obstruction themselves at the cost of the owner of the boat, recovering the expense in the manner laid down in Section IX. of the "Canals' Act, 1864."

XVI. If the Canal Officers be unable to ascertain the name and place of business or of abode of the owner of the cargo of any vessel or boat seized under the Canals' Act, he shall notify the seizure in the most public manner available.

XVII. In the event of any damage or injury being occasioned to be Canal works by wilfulness or negligence on the part of any person in charge of a vessel, the Canal Officers may detain the vessel within the Canal for a period not exceeding 24 hours, provided, that within that period the Canal Officers shall lodge a complaint against such person in charge of the vessel before a Magistrate under Section XVI. of the Canals' Act.

XVIII. The banks or berms of the Canals shall not be used as wharves for the deposit of

goods, under a penalty of 10 Rupees for each offence; but except in special cases, when the permission of the Canal Officers will be necessary, all articles shall be removed to the outer banks of the Canals, and all such articles as shall not be finally removed from within the boundaries of the Canals within a period of six days after being so deposited, shall be liable to a charge of four annas per 100 maunds.

XIX. The Canals may be closed once a year, for effecting the necessary repairs to them, on one month's notice of the intention so to close them; but in the event of any sudden emergency, the Canals may be closed at any time without prior notice, and no claim shall be made in such case by owners of vessels or others for compensation on account of detention.

XX. All offences against the provisions of these Rules shall be punishable as provided for in Section XVIII. of the "Canals' Act, 1864," and all fines imposed may be recovered in the manner mentioned in Section XVII. of the same Act.

XXI. The term "Canal Officers" in the foregoing Rules shall include the persons alluded to in Section VIII. of the "Canals' Act, 1864," and any other persons who may be specially appointed to exercise such powers by the person appointed to collect the tolls.

ESTABLISHMENTS.

No. 255.

The 25th October 1866.

Notifications.—The following Order issued by the Government of India, Military Department, is re-published for information:—

No. 859 of the 11th October 1866.—His Excellency the Governor General in Council is pleased to lay down the following revised rules regarding rent of public quarters, which will have effect from the 1st January 1867:—

1. No deduction will be made from the pay and allowances of any Officers supplied with public quarters who have heretofore, under proper authority, been so provided free of charge.

2. When public quarters are provided for Commissioned Officers not entitled to free quarters, rent will be charged by the Public Works Department, and will be paid to the credit of that Department. No other deduction will be made from pay and allowances on this account.

3. The rent will be assessed on the principles laid down in paragraphs 11, 12, and 13, Chapter XI. of the Code of Regulations for the Public Works Department of 1866, by the Executive Engineer on the return which will be furnished to him by the Barrack-Master, as regards Officers' quarters and other regimental buildings under his charge. In all other cases, the Executive Engineer must arrange for the recovery of the proper amount of rents.

4. Having determined the amount of rent to be charged the Executive Engineer will furnish to the Barrack-Master or Circle Pay Master a monthly Statement countersigned by the Commanding Officer, or Head of the Department concerned, shewing the amount to be recovered from each Officer.

5. In the event of the rent fixed by the Executive Engineer being objected to by the occupant as too high, an appeal may be made through Commanding Officers, or local Heads of Departments, to the Executive Engineer, and, with the approval of the Officer Commanding the Station, a final reference may be made to a Station Committee, of which the Executive Engineer shall be a Member.

6. The rent fixed for Commissioned or Warrant Officers' quarters shall in no case exceed the amount laid down in the scale entered in this General Order, or such other scale as may be hereafter substituted for it.

7. The rent of quarters provided for the Officers of a British Regiment will be recovered by the Regimental Pay Master, and the amount transmitted by a Remittance Transfer Receipt to the Executive Engineer.

8. The rent of quarters occupied by Staff and other Officers who are not paid through Regimental Pay Masters, will, when it is not more convenient to the Executive Engineer to receive the amount immediately from the Officer concerned, be recovered by Circle Pay Masters, and transmitted in like manner by a Remittance Transfer Receipt direct to the Executive Engineer.

9. The authorized scale of quarters for Commissioned Officers is prescribed in the Public Works Department Code, Chapter IX., and the monthly rent chargeable for such quarters, when the full accommodation is provided, will, for the present, be as follows:—

	Rupees.
Colonel or Lieutenant-Colonel	100
Major	80
Captain	50
Lieutenant	30
Ensign	25

10. Medical Officers according to their relative rank.

11. If, owing to quarters suitable to his rank not being available, an Officer is provided with quarters inferior to those authorized for his grade, he will only be charged according to the scale of quarters he actually occupies. If, on the same grounds of suitable quarters not being available, he is provided with the quarters of a superior grade, he will only be charged rent according to the scale laid down for his rank. But if, at his own request, he is provided with quarters superior to those allotted to his rank, he will be charged the prescribed rent for such superior quarters.

12. When only one set of quarters can be allotted to two or more Officers, the rent to be charged to each will only be a due proportion of the amount fixed as the rent of such quarters.

13. When superior quarters to those laid down for a Colonel and Lieutenant-Colonel are provided for a General Officer not entitled to free quarters, he will be liable to be charged a proportionably increased rate to determine in the manner prescribed in paragraphs 3 and 5.

14. When bungalows or quarters are on any emergency rented by the Public Works Department, the absolute amount of rent is to be charged to the Officers occupying these quarters, provided the charge to any Officer does not exceed the full amount of rent fixed for his rank (see paragraph 9).

15. In the event of quarters becoming available for any Officer who is bound to occupy public quarters, or who may have applied for them, but who has been obliged for a time to occupy private lodgings in consequence of no public quarters being available for him, due notice shall be given to him by the Barrack-Master, and rent shall be claimable for the quarters after three months from the date of the receipt of the notice from the Barrack-Master, whether the quarters be occupied or not, or from the date of actual occupation if that event occurs first.

16. When, in the absence of all other quarters, accommodation is provided for Officers entitled to public quarters in vacant Regimental Barracks, on which no public money has been spent to fit them for Officers, no charge will be made.

17. It will rest with the Executive Engineer to see that no Officer, if not entitled to free quarters, is allowed to occupy any public buildings without charge, when suitable quarters could be readily supplied to him.

18. When Forts are garrisoned by Detachments relieved at short periods, the Officers attached to them are exempted from the payment of rent for the public quarters they occupy during their tour of duty.

19. Warrant Officers provided with public quarters will, in like manner, be exempted from any deduction from their pay and allowances, except the prescribed scale of rent fixed for their several grades.

20. The charge to Warrant Officers for public quarters will be—

		<i>Rx.</i>	<i>As.</i>	<i>P.</i>
Deputy Commissary	50	0 0
Assistant Commissary	30	0 0
Deputy Assistant Commissary	25	0 0
Senior Apothecaries
Conductors, Apothecaries	12	0 0
Stewards	10	0 0
Sub-Conductors	7	8 0
Assistant Apothecaries	5	8 0
Hospital Apprentice	3	0 0

21. Trained School-Masters and Non-Commissioned Officers and Soldiers attached to Native Corps and Departments are not allowed tentage or house-rent when provided with quarters by the Public Works Department, and no charge is made on their account; but if provided with quarters of a decidedly inferior description, they will be entitled, as compensation, to the difference between the amount of rent fixed for each class, and the value of the quarters assigned to them—the amount of compensation to be determined as in the case of Commissioned Officers.

22. This clause is also applicable to School-Mistresses who have been placed in such respects on the footing of 3rd Class School-Masters.

No. 256.

The following Orders issued by the Government of India, Public Works Department, are re-published for information :—

No. 261 of the 16th October 1866.—The undermentioned passed Military Students of the Thomason Civil Engineering College are brought on the strength of the Upper Subordinate Establishment of the Public Works Department as Overseers of the First Grade on probation, and posted as follows :—

To Bengal.

Private J. Nelson ...	...	1-20th	Regiment.
" J. Allen ...	...	5th	Lancers.
" J. Willing ...	...	21st	Hussars.
"	"	"	"

2. The abovenamed men have been placed in the unattached List with effect from the 9th October * * *

No. 269 of the 18th October 1866.—Mr. J. O'Flaherty, Assistant Engineer, Second Grade, on the Local Public Works Establishment, Bengal, is brought on the Imperial Public Works Establishment on the same grade, and posted to Bengal.

* No. 257.

Baboo Bany Madhub Mozoomdar, Local Overseer, Second Grade, joined the Behar Local Road Division on the 2nd October 1866.

Notification by the Bengal Government, Public Works Department, No. 208 of the 21st August 1866.
before noon.
* When quarters on the scale allowed to Captains are provided for them.

No. 258.

Resignation.—Baboo Peary M. hun Gossany, Sub-Overseer, Second Grade, resigned his appointment on the Lower Subordinate Establishment, with the permission of Government, from the 21st August 1866.

No. 259.

The 30th October 1866.

Notification.—Captain F. S. Stanton, R. E., Officiating Superintending Engineer, South-Eastern Circle, is placed in charge of the Presidency Circle, in addition to his own duties, during the absence, on leave, of Lieutenant-Colonel W. D. A. R. Short, R. E., Superintending Engineer, First Class, First Grade.

2. Captain Stanton assumed charge of the Presidency Circle on the 29th October 1866 before noon.

No. 260.

Posting.—The following Probationary Overseers of the First Grade are posted to the Divisions specified opposite to their names :—

- Private J. Nelson, Upper Assam Division.
- " J. Allen, Lower Assam Division.
- " J. Willing, Midnapore Division.

W. B. MACRONE,

Offg. Asst. Secy. to the Govt. of Bengal,
P. W. D.

Notice

Is hereby given, that on and after the 1st day of February next, 1867, a white Dioptric fixed Light of the Second Order will be exhibited from sunset to sunrise on the Clock Tower, standing in the centre of the Fort. The Light will illuminate an arc seaward of 230 degrees, which will include the beach to the northward and southward of the Port, and its local plane will be elevated 134 feet above the level of the sea, making the Light visible from a Ship's deck 18 miles.

JAMES DONNAN,
Master Attendant.

MASTER ATTENDANT'S OFFICE,
Colombo,
The 6th September 1866.

[1844]

No. 1436C.
Notification.

BOARD OF REVENUE.
Port William, the 1st October 1866.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by public auction in the year 1867 will consist of 24,000 Chests

Behar.	Chests.
Reserve of 1864-65 ... 761	
Supply from 1865-66 ... 23,239	24,000
Benares.	
Reserve of 1864-65 ... 7,618	
Supply from 1865-66 ... 16,382	24,000
Total ...	48,000

The Opium forming the Reserve of 1864-65 will be first put up for sale, and afterwards the provision of 1865-66, that is to say, of Behar Opium the sale of January will consist of 761 Chests of 1864-65, and 1,239 Chests of 1865-66, and of Benares Opium the sales of January, February, and March will each consist of 2,000 Chests of 1864-65, and the sale of April will consist of 1,018 Chests of 1864-65 and 982 Chests of 1865-66. The remaining provision of 1865-66 will be disposed of in like quantities at the subsequent sales. Thus there will be put up at each sale 2,000 Chests of Behar and 2,000 Chests of Benares.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 9th Jan. 1867.	2,000	2,000	4,000
On or about Thursday, 7th Feb. "	2,000	2,000	4,000
On or about Monday, 11th Mar. "	2,000	2,000	4,000
On or about Wednesday, 10th April "	2,000	2,000	4,000
On or about Thursday, 9th May "	2,000	2,000	4,000
On or about Monday, 10th June "	2,000	2,000	4,000
On or about Wednesday, 10th July "	2,000	2,000	4,000
On or about Friday, 9th Aug. "	2,000	2,000	4,000
On or about Monday, 9th Sept. "	2,000	2,000	4,000
On or about Wednesday, 9th Oct. "	2,000	2,000	4,000
On or about Thursday, 7th Nov. "	2,000	2,000	4,000
On or about Friday, 6th Dec. "	2,000	2,000	4,000
* Total ...	24,000	24,000	48,000

The following are the Conditions of Sale:—

1st.—The Opium will be sold for exportation by sea only, and no certificate will be granted except to cover such export.

2nd.—The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per Chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12 of these Conditions of Sale.

3rd.—The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M., but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a Public Holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or if the whole quantity advertised shall not be sold on the day appointed, the Board may dispose of the lots which remain on hand at a future sale.

4th.—Each lot shall contain five Chests.

5th.—A Promissory Note for a sum calculated

When the amount bid is less than Rs. 1,200 per Chest	Rs. 200 p. Chest.	Deposit.	the scale noted in the margin shall be taken as a deposit on each lot from the purchaser in the
On bids of Rs. 1,200 but less than Rs. 1,600 per Chest	300		
On bids of Rs. 1,600 but less than Rs. 2,000 per Chest	400		
And so on, Rs. 100 being added to the deposit for every additional Rs. 400 bid.			

Sale-room, and the lot is registered in the Sale Book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other Public Securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or, on the other hand, failing such redemption by the time aforesaid, then the lot or lots for which no Bank of Bengal Receipts or deposit of other Public Securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

6th.—The Promissory Notes taken on the day of sale under the last-mentioned Condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Solicitor to the Government for realization in such manner as to him shall seem fit.

7th.—No tender of money, Bank of Bengal Receipts, or Public Securities, on account of Opium upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8th.—The Opium now advertized for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth Condition, or any public securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit; and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9th.—Purchasers taking out certificates or orders for the delivery of Opium after making full payment as above prescribed shall have the option of naming the number of lots of their purchase which they may desire to be included in each certificate or order, and it is to be clearly understood that the certificates or orders so taken out shall be considered final, and not afterwards changeable for other certificates or orders authorizing the delivery of single lots or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each certificate or order.

10th.—No deposit of Public Securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the Sale Book, or his authorized Agent. The receipt for deposit of Public Securities will be granted only in the name of such purchaser, and the securities so deposited will be returned when

payment in full has been made by the said purchaser or his order.

11th.—The Officer superintending the sale on the part of the Board of Revenue is empowered to reject at his discretion, the bid of any individual unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal Receipts, or Government Securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12th.—With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent at any time during the sale to withdraw any unsold lot and immediately to put it up again for sale at a maximum upset price, diminishing the same gradually until a bid is obtained, and the first *bona fide* bidder for a lot, after it has been offered for sale in the mode here described, shall be held and declared to be the purchaser of the said lot; and the Officer of Government superintending the sale shall also be competent to dispose in the same manner of as many of the subsequent lots as he may think proper; provided always that no lot shall be sold below the minimum price of Rupees 500 specified in the second of these Conditions.

13th.—The purchaser of any lot shall have the option of naming and purchasing in immediate succession at the same price, and under the same Conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots; provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14th.—In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this notification or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15th.—The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue.

No. 1.—Certificate of the Opium advertized for sale.

No. 2.—Report of the examination of Such Opium.

16th.—The Public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1865-66, the same precautions have been taken as those which have been observed during past years to have the drug procured and sent down in a pure state; to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the Chests indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17th.—Any further information respecting weight or quality of the Opium advertized for sale that may be desired by parties connected with the trade will, as heretofore, be furnished to them on application at the Office of the Board of Revenue, but, in accordance with established usage, under no circumstances will the Board entertain or

recognize any claim to compensation for loss from any alleged deficiency of weight, abstraction of Opium, or adulteration of the drug which may be preferred on reference to Chests after the sale and delivery of the Opium for shipment.

18th.—It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents in India of the French Government, or persons duly appointed by them, are entitled to demand that, out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1867, there shall be delivered to them at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 Chests, and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale within thirty days from the advertisement of such intended sale; provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification.

• Behar	... 21,000
Benares	... 21,000
	<hr/> 48,000

If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 48,000* Chests of Behar and Benares, as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales above-mentioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

Article of the Convention above referred to.

Article 6th.—“With regard to the trade in Opium, it is agreed between the high contracting parties that at each of the periodical sale of that article there shall be reserved for the French Government, and delivered upon requisition duly made by the Agents of His Most Christian Majesty, or by the persons duly appointed by them, the number of Chests so applied for, provided that such supply shall not exceed three hundred Chests in each year, and the price for the same shall be determined by the average rate at which Opium shall have been sold at every such periodical sale, it being understood that if the quantity of Opium applied for at any one time shall not be taken on account of the French Government by the Agents of His Most Christian Majesty within the usual period of delivery, the quantity so applied for shall nevertheless be considered as so much in reduction of the three hundred Chests hereinbefore mentioned. The requisitions for Opium as aforesaid are to be addressed to the Governor General at Calcutta within thirty days after notice of the intended sales shall have been published in the *Government Gazette*.

By Order of the Board of Revenue,

R. L. MANLEY,
Offg. Junior Secretary.

Fort William,
The 1st October 1866.

[1846]

No. 1426.

Opium Notification.

NOTICE is hereby given that the Eleventh Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Friday, the 9th November 1866, at 11 A. M., and will comprize 3,330 Chests, viz. :—

Behar Opium	...	...	2,000
Benares „	...	...	1,330
			—
Total Chests	...		3,330
			—

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 26th November 1865, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 14th and 24th November respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Wednesday, the 14th November 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 24th November 1866.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium of 1864-65, will be brought to sale in the present year on or about the date specified below. The Board, however, reserve to themselves the right of altering this date, should circumstances render it expedient to do so :—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 5th Dec. 1866	2,000	1,370	3,370

By Order of the Board of Revenue; L. P.,

R. L. MANGLES,
Junior Secretary.

FORT WILLIAM, }
The 1st October 1866.

Notice.

A NEW Edition of the Map of DISTRICT NUDDEA, shewing Village boundaries, Scale 1 Mile=1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps, *bond fide* on the Public Service, to be addressed to the Registrar, Surveyor-General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers, and the "School Book Society," Calcutta, at the following rates :—

Uncolored and Unmounted.	{ On thick paper, the Map complete	
	in 8 Sections with Index	Rs. 8 0 0
	Or each Section separate	Rs. 2 0 0
	{ On thin paper, the Map complete	
	in 8 Sections with Index	Rs. 6 0 0
	Or each Section separate	Rs. 1 8 0

N. B.—Parties requiring the Map, Colored and Mounted, must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.*,
Offg. Depy. Surveyor-General of India

Notice.

AN Agricultural Exhibition for the Division of Assam will be held at Tezpora from the 26th to 31st December 1866.

HENRY HOPKINSON,
Agent Govr. Genl. and Commr. of Assam.

SHILLONG, }
The 11th September 1866.

Notification.

MR. JOHN FOSTER CAMPBELL, Extra Assistant Commissioner, has been placed in charge of the Dibrooghur Treasury, and is authorized to draw Bills on all other Public Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG, }
The 18th September 1866.

Notice.

DR. J. DINWIDDIE, Sub-Assistant Commissioner, has been placed in charge of the Cossyah and Jynteah Hills' Treasury, and is authorized to draw Bills on other Treasuries.

HENRY HOPKINSON,
Commissioner of Assam.

SHILLONG, }
The 5th October 1866.

[1847]

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P.,
DURING THE WEEK ENDING THE 27TH OCTOBER 1866.

Number of Seers of 80 Tolahs weight retailed for a Rupee.

AT	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULARS IN ORDINARY USE.			WHEAT.		ATTAR.		JANEEA, JOWAR AND SUCH GRAINS.		
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.							
Districts in which the prices are same or nearly the same.														
Gowalparah	15th Oct. 1866	8½	16	10½	7	11½	10	21	8½	7½	5	...	...
Beerbhoom	20th "	8	28½	9½	6	24	9	21	8	15	6½	68	22	
Cachar	15th "	9	10	10	7½	16	8	11½	7½	6	4½	...	...
Calcutta	29th "	7	16	9½	9	20	12½	14	10	12	7	...	...
Maldah	22nd "	9½	19	10½	13	22	13½	17	10	10½	7	...	...
Districts in which all or most articles are dearer.														
Nowgong	14th Oct. 1866	6	23	7½	6	8	9	15	13	6½	4	...	...
Darjeeling	22nd "	5	8	8	4	8	5½	...	...	4	4	20	14
Nya-Bloomka	22nd "	...	16	9	...	15	7	12	7	8	5	45	22	
Bograh	22nd "	8½	30	9½	6	27½	8½	15	10½	8	6	80	20	
Districts in which all or most articles are cheaper.														
Durrang	15th Oct. 1866	6½	32	11	11	20	12	...	...	...	...	...	...
Singhbom	15th "	7	40	24	8	24	8	16	5	12	3½	...	...
Balatore	21st "	6	30	10	5	16	9	16	6½	10	4	...	...
Districts in which some articles are dearer and some cheaper.														
Chittagong	22nd Oct. 1866	11	18	14	6	17	11	12½	12½	9	8	...	...
Hazareebangh	22nd "	5½	14	13	8	24	13	12	7	10½	5½	27	18	
Lohardugga	20th "	8	32	16	6	20	14	24	6	10	4½	...	...
Maunbloom	22nd "	4½	24	8	...	26	10	7½	6	6	4½	16	8	
Poorce	15th "	6½	25	7½	4½	12½	5½	4	4½	10	4½	32½	7½	

PUBLISHED for general information.

By Order of the Board of Revenue, L. P.,

FORT WILLIAM,
The 30th October 1866. }

T. BRUCE LANE,
Secretary.

SALT FOR EXPORTATION.

STATEMENT shewing the Quantity of Salt in store available for exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

NAMES OF DISTRICTS.	Ports at which Salt is generally available for export on private trade.	Quantity allotted for private exportation in 1866.	Quantity exported on private trade or assigned to applicants up to 15th September 1866.	Quantity remaining in store actually available for export on 16th September 1866.	REMARKS.
		INDIAN MAUNDS.	INDIAN MAUNDS.	INDIAN MAUNDS.	
Godavery	... Cocanada	1,50,000	37,400	1,12,600	Boats available at all times.
Kistna	... Nizampatam	39,766-20	.....	39,766-20	
Nellore	... { Iskapalli	1,72,220	24,189	1,48,031	} Boats easily obtainable.
	... { Varini	1,54,015	1,770	1,52,245	
Madras	... { Madras	3,86,315	1,76,039	2,10,276	
	... { Ennore	3,75,826	1,79,456	1,96,370	
	... { Covelong	1,64,977	56,683	1,08,294	
South Arcot	... Markanum	60,000	22,080	37,920	
Tanjore	... Vedarucom	1,20,000	92,620	27,380	
Tinnevely	... { Vaipar	1,20,000	1,20,000	.....
	... { Tuticorin	1,80,000	1,80,000	.....
Total		19,23,110-20	8,90,137	10,32,982-20	

N. B.—Salt for export will be supplied by Government at the rate of 15 Rupees per 100 Indian Maunds, which includes charges of transport, except at the Port of Madras, where the Salt will be delivered on the Beach.

REVENUE BOARD OFFICE;
Madras,
The 30th October 1866. }

R. A. DALYELL,
Sub-Secretary.

PUBLISHED for general information.

By Order of the Board of Revenue,

FORT WILLIAM,
The 30th October 1866. }

R. L. MANGLES,
Offg. Junior Secretary.

[1848]

Statement of prices of grains sold in the undermentioned Districts, prepared from the Telegrams received.

Description of Grain.	GANJAM.			Bellary.			NORTH ARCOT.			SOUTH ARCOT.			TANJORE.			SALEM.			COIMBATORE.		
	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	Measures.	Number of mea- sures of 120 Rupees weight per Rupee.	Price per catta of 3,200 Rupees.	
Paddy, 1st sort...	16	200	16	16	417	16	16	272	124	230	124	974	974	843	7	457	843	7	457		
" " 2nd sort ..	164	197	84	84	376	13	13	216	14	223	14	974	974	807	64	366	807	64	366		
Rice, 1st sort ..	5	510	5	5	514	54	54	662	57	573	57	4	800	760	3	933	760	3	933		
" " 2nd sort ..	6	533	31	31	534	53	53	552	57	573	57	6	810	697	4	781	697	4	781		
Beggy ..	12	267	54	54	534	107	107	312	11	277	11	8	400	402	64	474	402	64	474		
Cholam or Javari ..	8	400	64	64	567	8	8	400	322	277	322	61	474	492	514	561	492	514	561		
Chuncho or Bajira ..	12	267	64	64	567	11	11	281	134	233	134	8	414	358	74	454	358	74	454		
Honeygram ..	7	437	4	4	800	53	53	558	74	432	74	5	640	596	34	596	596	34	596		

REVENUE BOARD OFFICE;
Madras,
The 23rd October 1866.

W. HUDLESTON,
Secretary.

Notice.

THE Singhbhoom Annual Fair will be held at Chyebassa during the last fortnight in December 1866.

W. H. HAYES,
Deputy Commissioner of Singhbhoom.
CHYEBASSA,
The 10th October 1866. }

Notice.

THE Cachar Mela will, as usual, be held at Silehar, commencing on Sunday, the 30th December 1866, corresponding with 16th Poush 1273, and continuing for as many days as considered necessary.

JOHN WARE EDGAR,
Officiating Deputy Commissioner.
CACHAR;
Depy. Commr.'s Office,
The 28th September 1866. }

Notice.

THE Effects of the late MR. WARNECKY, alias BARONKY, who died at Darjeeling on the 26th September 1866, are under the Seal of this Court, these or the sale proceeds thereof will be made over to any one duly authorized to receive them.

BLAIR REID, Major,
Deputy Commissioner.
DEPY. COMM'R.'S OFFICE;
Darjeeling,
The 1st October 1866. }

Notice.

SHAHEBZADAH AHMED ALLEE KHAN, Deputy Collector, has been placed in charge of the Maldah Treasury, and authorized to draw Bille on other Treasuries.

C. H. CAMPBELL,
Commissioner.
COMM'R.'S OFFICE, RAJSHAHYE DIVN.;
Berhampore,
The 6th October 1866. }

Notice.

No. 434.

MR. H. C. B. C. RABAN received charge of the Offices of Magistrate and Collector of Pooree from Mr. J. J. Livesay, Officiating Magistrate and Collector, on the 9th October 1866.

T. E. RAVENSHAW,
Offg. Commissioner
COMM'R.'S OFFICE;
Cuttack Division,
The 19th October 1866. }

[1849]

NOTICE

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.		Mark or Address of Packages.	Ships.
1866, Aug.	2nd ...	11 Cases, [N. V. N. and Sons] L S	... Str. Lightning.
"	9th ...	4 Cases, [8993]	... Ditto.
"	9th ...	1 Case, [S. D. and Co., P]	... Ditto.
Sept.	21st ...	2 Parcels, V B D B	... Ditto.
"	21st ...	1 Case, M. Lyall and Co.	... Ditto.
"	14th ...	1 Case, Lieutenant-Colonel Woodcock, R. A., Morar, Gwalior, India, care of Mr. Sturnur, 5, Moira Street, Calcutta	... Str. Mongolia.
"	26th ...	1 Case, G. H. Marshall, Esq., R. A., Dinapore, care of G. Arbuthnot and Co.	... Str. Simla.
"	26th ...	1 Case, D. F. Holton, H. M. 77th Regiment, Bareilly, care of Thompson, Shaw and Co.	... Ditto.
"	26th ...	1 Case, P. M. C. 101st, Dugshui, care of G. Arbuthnot and Co.	... Ditto.
Aug.	4th ...	1 Case, [H M C]	... Horsa.
"	7th ...	29 Cases, [N. V. N. and Sons]	... Ditto.
"	6th ...	1 Case, G. Rose	... City of Vienna.
"	6th ...	1 Case, C. H. Alston	... Ditto.
"	7th ...	1 Case, F. G. Cockburn, Esq.	... Ditto.
"	14th ...	1 Parcel, [F] H	... Ditto.
"	14th ...	1 Parcel, [JE] C	... Ditto.
"	9th ...	{ 22 Cases, } [555] D. and Co.	... Oriana.
"	11th ...	3 Cases, [M]	... Ditto.
"	7th ...	4 Cases, [8993]	... Ditto.
July	24th ...	8 Cases, [E A C]	... Roman Empire.
Oct.	11th ...	1 Case, Major C. St. George Brownlow, United Service Club, Calcutta	... Str. Nubia.
"	11th ...	1 Case, E. D. Way, Esq., 105th Regiment, Dina- pore, Bengal, G. Arbuthnot and Co., Cal- cutta	... Ditto.
"	11th ...	1 Case, Colonel Fisher, H. M. N. I., care of Borradaile and Co., 3, Fairlie Place, Cal- cutta, India	... Ditto.
"	11th ...	1 Case, Captain C. S. Thomason, Royal Engi- neers, care of G. Arbuthnot and Co., Calcutta	... Ditto.
"	11th ...	1 Case, Lieutenant Wyndham, E. Battery, 19th Brigade, R. A., Peshawur, Grindlay and Co., Calcutta	... Ditto.
"	11th ...	1 Case, the Officer Commanding E. Battery, 19th Brigade, R. A., Peshawur, Grindlay and Co., cutta	... Ditto.
"	11th ...	1 Case, Lieutenant F. Gyll, R. H. A., Mean Meer, Punjaub, India, G. Arbuthnot and Co.	... Ditto.
"	11th ...	1 Case, Major Jerome, v. c., Brigade-Major, Jullunder, Punjaub	... Ditto.
"	11th ...	1 Case, Captain E. Markham, R. H. A., Mean Meer, Punjaub, India, G. Arbuthnot and Co.	... Ditto.
"	11th ...	1 Case, Lieutenant-Colonel Bacon, A. D., *Secre- tary, Military Department, Calcutta	... Ditto.
"	11th ...	1 Case, Lieutenant G. B. Bird, care of the *Brigade-Major, Jullundur, Punjaub	... Ditto.

Calcutta Customs,
The 30th October 1866. }

J. A. CRAWFORD,
Collector of Customs.

[1850]

NOTICE.

THE undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863 :—

City of Seringapatam.		
1866, Nov. 10th ...	F M C, 2 Cases.	
Sumroo.		
1866, Nov. 10th ...	[N. V. N. and Sons] 72 Cases.	
Mahanada.		
1866, Nov. 10th ...	Soho, C, 14 Cases	... [H] 1 Parcel
„ 10th ...	[H] 1 Parcel	... [M B H R] 1 Parcel
Orient.		
1866, Nov. 10th ...	S R D, 1 Case	Rev'd. J. Quick, { 1 Case care of J. Davis, { 4, Mangoe Lane { 1 Case
„ 10th ...	[B] 1 Case	W S, 1 Case
Prince Oscar.		
1866, Nov. 10th ...	F M, 1 Case	... K M B, 1 Case.

CALCUTTA CUSTOMS, }
The 30th October 1866. }

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertised for sale :—

Moresfort.		
1866, Dec. 22nd ...	[D] C, 14 Packages	... L. B. and Co., 5 Casks
„ 22nd ...	H C, 1 Case.	... [R. and Co.] 28 Casks.
W. H. Haselden.		
1866, Dec. 20th ...	D N D, 6 Cases	... C D N, 21 Cases
„ 20th ...	K M D C, 1 Case	... G C D, 1 Case.
King Arthur.		
1866, Nov. 9th ...	[S S U C] A B & Co., 167 Cases	... [27] R. K. and Co., 4 Cases
„ 9th ...	[71] L C J, 1 Case.	... B] 1 Case.
Roman Empire.		
1866, Nov. 14th ...	[E A C] 2 Cases.	Lightning.
1866, Nov. 26th ...	[N. V. N. and Sons] 25 Cases.	[S993] 1 Case.
City of Shanghai.		
1866, Dec. 6th ...	Dr. Murray Thomson, Thomason College, Roor- kee, N. W. P., India, care of J. H. Fergusson, 1 Case	[I] 17 Cases ... C D N, 17 Casks. ... H B C, 3 Casks.
Robert Pulsford.		
1866, Dec. 13th ...	[F. and Co.] 1 Box.	
Roxburgh Castle.		
1866, Dec. 22nd ...	R. Banks, Esq., Engineers' Office, E. I. Railway, Cal- cutta, 1 Case	... S C D, 2 Casks
„ 22nd ...	[B C C] C and B, 1 Case	... D S D, 1 Case
„ 22nd ...	[180] B L and Co., 5 Hogshead.	... [R M] C and B, 3 Cases. ... B. L. S. N. and Co., C, 45 Cases.
British Prince.		
1866, Dec. 20th ...	[B C B P] 1 Case	... [S] 3 Cases
„ 20th ...	S K S, 3 Cases	... [L] P L, 2 Cases
„ 20th ...	S and C, 8 Cases	... C and A C, 11 Packages
„ 20th ...	B N L, 11 Packages	... [H and M B] J T N, 4 Cases.
1866, Dec. 20th ...	Mr. F. Moran, 1 Case	... D S C, 1 Case
„ 20th ...	W. L. A. and Co., 1 Case	... B R D, 1 Case
„ 20th ...	[R C] 6 Cases	... P and L S, 2 Cases.

CALCUTTA CUSTOMS, }
The 30th October 1866. }

J. A. CRAWFORD,
Collector of Customs.

[1851]

Commillah Municipality.

BYE-LAWS UNDER ACT III. (B. C.) OF 1864.

For regulating the time and mode of collecting the Rate and Taxes.

1. Each quarterly instalment of the rate and taxes mentioned in the Act shall be considered to have become due at the commencement of the quarter on account of which such instalment is payable, and may be levied at any time after the commencement of such quarter, that is to say:—

The instalment payable on account of the quarter ending	31st July.	May be levied on and after	1st May.
	" Oct.		" Aug.
	31st Jan.		" Nov.
	30th April.		" Feb.

2. From the list prepared under the provisions of Sections 29 and 39 of the Act, the collecting officer shall prepare the bills prescribed by Section 44. The bills so prepared shall be issued under the seal of the Commissioners to the subordinate officers on the collecting establishment, and shall be by them presented to the persons named therein, in the manner hereinafter described.

3. Every collecting officer shall be provided with a certificate of his authority to collect; and every such certificate shall bear the seal of the Municipality and the signature of the Chairman. Every collecting officer at the time of demanding payment shall be bound to show this certificate if required.

4. The collecting officer taking the money in payment of any demand shall give the receipt for it.

5. When the name of any owner is not known, it shall be sufficient to designate him in any notice, bill, or other proceeding under the Act, as the owner of the property on which the rate is assessed, without further description.

6. Every bill, for any sum due on account of the rate or taxes leviable under the Act, shall, if possible, be presented to the individual named therein in person; but if such personal presentation be found impossible, the bill shall be left at his usual place of abode, and such delivery shall be deemed to be the presentation required by Section 44.

7. The officer to whom a bill may be issued for presentation shall receive the amount of such bill at the time of presentation, or at any time within ten days from the date on which the bill shall have been first presented by him.

8. Every person required, in writing, to furnish any schedule or return which the Commissioners may lawfully require him to furnish, shall send such schedule or return to the office of the Commissioners within one week from the date of the service of the requisition in the manner described in Section 81 of the Act. Any person failing to do so shall be liable to a penalty not exceeding Rupees 5 for the omission, and to a penalty not exceeding Rupees 2 for every day the omission shall after warning continue. Any person submitting a false or incorrect schedule or return shall be liable to a penalty of Rupees 5, provided that nothing in this Bye-law shall be held to prevent the institution of a criminal prosecution

under the Penal Code should the facts appear to warrant such a proceeding.

9. Every owner, occupier, or other person, shall permit the Commissioners, or any one appointed by them, under a written authority, for that purpose, at any time between sun-rise and sun-set, to enter and inspect any coach-house or stable in which there is reason to believe that there is any vehicle or animal liable to taxation under Section 35 of the Act. Any person obstructing the Commissioners or any person duly authorized by them in making such entry and inspection shall be liable to a fine not exceeding Rupees 20.

10. Every distraint made under the Act shall be executed by the collecting officer, unless the Commissioners may otherwise direct, and the property distrained shall, pending sale or recovery from the defaulter of the amount due, remain in charge of the collecting officer, who shall deliver a list in the Form C., prescribed in the Act, of the property distrained.

11. Immediately on distraint the distraining officer shall post upon the house of the defaulter a notice of sale, fixing a day for the sale not less than seven days from the date of distraint; and on the day of sale notice shall be given by beat of drum.

12. Payment of purchase money for property sold, and delivery of the property, shall be made immediately after the sale; and if the purchaser fail to pay the full amount of his bid, it shall be lawful for the distraining officer, at his discretion, to sell the property again on the same or any other day, and the first purchaser shall, in such case, be responsible to the Commissioners for any loss which shall be recoverable as a debt due to them.

For regulating the conduct of persons employed by the Commissioners.

13. All persons employed by the Commissioners, whose services may be no longer required, shall be liable to discharge after receipt of previous notice, or pay in advance, for the period of one month; and no such person shall withdraw from the duties of his office without having given previous notice for the period of one month, on pain of forfeiture of one month's salary.

14. All persons now holding, or who may hereafter be appointed to, any office under the Commissioners, shall, when required so to do, furnish good security to such amount as the Commissioners may from time to time fix; and any person failing to furnish such security within reasonable time, or within such time as the Commissioners may appoint, shall be held to have thereby forfeited his appointment and may be removed from office.

15. Whenever it shall be proved to the satisfaction of the Commissioners that any person in their employ has been guilty of any violation of duty, or wilful breach or neglect of any rule, regulation, or order made or given by competent authority, or has withdrawn from the duties of his office without permission or without having given previous notice for the period of one month, or has done any act by the performance of which, or has omitted to do any act by the non-performance of which, the Commissioners shall have suffered, or may have incurred the risk of suffering loss or injury, or has failed to perform any duty with all due diligence, or has been guilty of any act of insubordination towards any superior

officer, or has accepted or obtained, or agreed to accept or attempted to obtain, from any person, for himself or for any other person, any gratification whatever, other than authorized remuneration in respect of any official act, or has in his official capacity given any information which he knows or believes to be false, or has committed any offence punishable under any law, such person shall be liable to punishment by fine not exceeding one month's pay, or by suspension from office for such period as the Commissioners may fix, or by degradation, or by summary dismissal from his situation, in addition to any penalty to which he may be liable under the provisions of any law. Any person so dismissed shall be liable, at the discretion of the Chairman, to forfeit all pay and allowances due to him, not exceeding the pay and allowances for one month.

16. The Chairman or Vice-Chairman may originate, receive, or enquire into a complaint of misconduct or neglect in the performance of duty against any person employed by the Commissioners.

17. Nothing herein contained shall be held to debar the Commissioners from instituting proceedings in any Civil Court having jurisdiction against any person being or having been in their employ, with a view to the recovery of damages for any loss or injury which they may have sustained in consequence of any act done or omitted to be done by such person.

On matters of Conservancy.

18. No person shall dig or make, or cause to be dug or made, in any place, any tank, pond, well, ditch, water-course, or other excavation, without the written permission of the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

19. No person shall put, or cause to be put, on any house, or other building, any spout, or other thing, intended for the conveyance and discharge of water, which shall be so placed that the water discharged therefrom shall be thrown or fall upon any public road or thoroughfare.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, 1 Rupee daily.

20. No person shall deposit, or cause to be deposited, in, or by the side of, any public drain, any substance or thing whereby the said drain is, or may be, in any way obstructed.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

21. No person shall construct, or place over, or by the side of, any public drain, any bridge, platform, building or structure of any kind except by and with the written permission of the Commissioners, and in such manner as they shall direct.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

22. Any person being the owner of any fallen trees or shrubs, or the owner or occupier of the land on which such trees or shrubs may have been growing, shall remove them after notice within the time prescribed by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 2 daily.

23. If any house, wall, or other erection, or any part thereof, fall upon any public highway, or into any public drain, the owner of such house, wall, or erection, shall remove it after notice, within the time prescribed by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 5 daily.

24. No person shall prepare any canal or convey water by any canal, across any public thoroughfare, except in such manner as shall have been first approved by the Commissioners.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 2 daily.

25. No person shall steep in any tank, or ditch, within municipal limits, any jute, hemp, or other vegetable matter, likely to render the water of such tank, or ditch, offensive or noxious to the neighbourhood.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, Rupees 2.

26. No person shall, without the written permission of the Commissioners, set up any obstruction in any nullah or water-course; and the Commissioners may order the removal of any such obstruction on grounds of public health.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 4 daily.

27. The owner or occupier of any part of the bank of any nullah or water-course shall keep it free from filth, dense vegetation, or other obstruction, and shall at all times allow the Commissioners, or any of their servants duly authorized, to have access to such nullah or water-course for any purpose of public conservancy.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 5 daily.

28. No person shall allow any pigs to be at large, or keep them otherwise than in closed styes.

Penalty for infringement, Rupees 5; penalty for continued infringement after notice, Rupees 2 daily.

29. No owner, occupier, or farmer, of any bazar or shop, shall keep the same in other than a clean and proper state; and every such owner, occupier, or farmer, shall, without any delay, cause any meat, fish, or vegetable matter in a noxious state or unfit for food to be at once removed to a place to be notified to him by the Municipal Commissioners. No such owner, occupier, or farmer, shall obstruct any person, appointed by the Commissioners for that purpose, from entering and inspecting any such premises at any time between sun-rise and sun-set.

Penalty for infringement, Rupees 20.

30. No person shall in any way obstruct, or allow to be obstructed, any of the lanes, walks, bye-ways or other thoroughfares in any bazar, by exposing for sale or accumulating any thing on any such lane, walk, bye-way or thoroughfare.

Penalty for infringement, Rupees 10.

31. Every owner, occupier or farmer of any bazar, shall, within 14 days after receipt of notice from the Commissioners, provide such latrines and urinals as in the opinion of the Commissioners may be necessary to secure the cleanliness and health of the bazar.

Penalty for infringement, Rupees 20; penalty for continued infringement, Rupees 5 daily.

32. No person shall perform any office of nature in any place outside private premises, other than such as may have been appointed by the Commissioners, provided that such places have been set apart by the Commissioners.

Penalty for infringement, Rupees 10.

33. No person shall build, or cause to be built, or keep, after prohibition by the Commissioners, any latrine, privy, or urinal, within 20 feet of any public road or street, or in any compound so small as not to admit of that distance being maintained.

Penalty for infringement, Rupees 10; penalty for continued infringement after notice, Rupees 3 daily.

34. No person shall make the door of any private privy to open directly on any public thoroughfare; and any person having the door of his privy so constructed, shall alter it upon receipt of notice to that effect from the Commissioners.

Penalty for infringement, Rupees 20; penalty for continued infringement after notice, Rupees 2 daily.

35. No person shall carry night-soil through the streets, except between the hours of 9 p. m. and 5 a. m. or otherwise than in a closely covered receptacle, or use any place, other than those approved by the Commissioners, for the purpose of depositing such night-soil.

Penalty for infringement, Rupees 20.

36. No person shall suffer any offensive matter from any manufactory, place of business, stable or cook-house, to flow into any river, nullah, canal, tank, or surface drain.

Penalty for infringement, Rupees 20; penalty for continued infringement after notice, Rupees 5 daily.

37. No person shall keep filth, dirt, dung, bones, dead bodies, rubbish, or other matter of a noisome kind, for more than twelve hours, in such a place or manner as to cause annoyance to any person, or injury to the public health.

Penalty for infringement, Rupees 20.

38. All dust, dirt, and rubbish of every kind, the removal of which is undertaken by the Municipal Commissioners, shall be deposited on the side of the road near the entrance of the premises from which it has come, between the hours of 6 a. m. and 8 a. m.

Penalty for infringement, Rupees 10.

39. No refuse resulting from any business, trade, or profession, shall be removed by the Municipal Commissioners, except on payment for removal at such rate as the Commissioners may determine; and any expense incurred on this account shall be recoverable as a debt due to the Commissioners.

40. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth collected from the highways, houses, streets, sewers, and cess-pools by the Municipal Commissioners, shall be the property of the Commissioners, who shall have power to sell or dispose of the same as they may think proper,

and the money arising from the sale thereof shall be applied to the purposes of the District Municipal Improvement Act.

41. No person shall put on any wall, or on any roof of a house, or on any bank, or tree, or on any other place or thing facing any road or public place, any preparation of dung to be used as fuel, or for any other purpose.

Penalty for infringement, Rupees 5.

42. Every person, within whose premises any animal may die, shall, within 4 hours after its death, or, if death occurs at night, within two hours after daylight, either remove at his own expense the carcass to such place as may be set apart by the Commissioners for the reception of such carcasses, or report its death to the conservancy overseer of the division within which such premises may be situated; and in such latter case shall pay to the said overseer the expense of removing the carcass at such rate as the Commissioners may determine; and in cases where the said person is not the owner of the animal, and the owner is known, the owner shall alone be responsible for the payment of such expense, and such expense shall be recoverable as a debt due to the Commissioners. No overseer, when called upon, shall neglect to remove a carcass.

Penalty for infringement, Rupees 10.

43. No person shall let loose, or cause or allow to be let loose, or allow to get loose, any diseased or worn-out animal into any highway, or into any place whence such animal can escape into any highway.

Penalty for infringement, Rupees 20.

44. No person shall deposit, or cause to be deposited, any carcass, or any part of a carcass, in any place other than such places as may, from time to time, be appointed by the Commissioners for the reception of such carcasses.

Penalty for infringement, Rupees 10.

45. No person shall dispose, or cause to be disposed, of any corpse, or any part of a corpse, otherwise than by burning or burying it at or in some lawful burning or burial ground.

Penalty for infringement, Rupees 10.

46. No person shall bury, or cause to be buried, any corpse, or part of a corpse, in any burial ground in a grave constructed of masonry in such manner that the top of the coffin, or the body where no coffin is used, shall be at a less depth than 4 feet from the surface ground.

Penalty for infringement, Rupees 10.

47. No person shall bury, or cause to be buried, in any burial ground, any corpse, or part of a corpse, in a grave not constructed of masonry except in such a manner that there may be at least 4 feet of earth between the corpse or part of a corpse and the surface ground.

Penalty for infringement, Rupees 10.

48. No person shall build or dig, or cause to be built or dug, any grave in any burial ground at a less distance than 2 feet from any other existing grave.

Penalty for infringement, Rupees 20.

49. No person shall build or dig, or cause to be built or dug, a grave in any burial place in any other line than that marked out by the Commissioners.

Penalty for infringement, Rupees 20.

50. No grave once used shall be opened for the burial of another body without the permission of the Commissioners.

Penalty for infringement, Rupees 20.

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51. Every person who shall bring or convey, or cause to be brought or conveyed, any corpse, or part thereof, to any burning ground, shall burn, or cause the same to be burnt, within 6 hours after its arrival at the said burning ground.

Penalty for infringement, Rupees 20.

52. No person, when burning, or causing to be burnt, any corpse, or part of a corpse, in any burning ground, shall permit the same, or any part thereof, to remain without being completely reduced to ashes; or shall permit the clothes, or other articles connected with the burning of such corpse, to remain at or near such burning ground, unless the same be completely reduced to ashes.

Penalty for infringement, Rupees 20.

53. No one shall carry a corpse, or part of a corpse, through any highway, unless it be decently covered and totally concealed from public view.

Penalty for infringement, Rupees 10.

54. No person while carrying any corpse, or part of a corpse, through the precincts falling within municipal limits, shall deposit it on or near any public highway for any purpose whatever.

Penalty for infringement, Rupees 10.

55. Every corpse, or part of a corpse, that has been kept or used for purposes of dissection, must be removed in a closed vehicle.

Penalty for infringement, Rupees 20.

56. No person shall picket animals, or collect carts, or form any encampment upon any public ground, without the permission of the Commissioners.

Penalty for infringement, Rupees 10.

Miscellaneous.

57. The Commissioners may cause to be put up, or painted in a conspicuous part of any house, building, wall, or place in any highway, the name by which such highway is to be known. Any person pulling down, destroying or defacing such name, shall be liable to a penalty of Rupees 5.

58. The Commissioners may fix a number in a conspicuous place on the outside of any house or building, or at the entrance of the enclosure thereof fronting any highway. Any person destroying, pulling down, or defacing, any such number, shall be liable to a fine of Rupees 5.

59. It shall be lawful for the Commissioners to levy fees for any licenses granted by them under the Act or the Bye-laws, and the fees to be so charged shall be, from time to time, adjusted by the Commissioners with the sanction of Government.

60. Any person required by the Act, or by any Bye-law under it, to take out a license, shall produce and shew his license when required to do so by any Commissioner, or any person duly empowered by the Commissioners, in writing, to make such requisition.

Penalty for infringement, Rupees 20.

F. G. MILLET,
Chairman.

Notice.

REQUIRED for the Darjeeling District a Treasurer, who will be required to furnish security to the amount of Rupees (10,000) ten thousand. Salary, Rupees 65 a month. Application to be made to the

DEPY. COMM., DARJEELING.

DARJEELING,
The 9th October 1866. }

Wanted,

A SUPERINTENDENT in the Revenue Court of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 per mensem

H. SCONCE,
Depy. Commr.

DEPY. COMM.'S OFFICE, }
The 20th September 1866. }

Wanted,

A SUPERINTENDENT for the Civil and Criminal Courts of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 a month.

H. SCONCE,
Depy. Commr.

DEPY. COMM.'S OFFICE, }
The 20th September 1866. }

Wanted,

AN Uncovenanted Assistant for the Revenue, Judicial and Political Departments of the Office of the Commissioner of Assam and Agent Governor General, North-East Frontier; salary Rupees 300 per mensem. Candidates for the appointment must possess a complete knowledge of the duties in a Commissioner's Office in all its branches.

Also required for the above Office a Revenue Head Assistant, salary Rupees 200 per mensem; no one need apply who has not had extensive experience in the routine of revenue works in a Commissioner's or Collector's Office. Applications, accompanied by testimonials, to be forwarded prepaid to the undersigned.

A. C. CAMPBELL,
Personal Asst. to Commr. of Assam and
Agent Governor Genl., N. E. Frontier.

Wanted,

A Translator and Head Assistant for the Judicial Department, Gowalparah. Salary, Rupees 90 per month.

Applications, forwarding testimonials, to be sent to the Deputy Commissioner, Gowalparah. A good knowledge of English and Bengali indispensable.

A. E. CAMPBELL,
Deputy Commissioner.

GOWALPARAH, }
The 18th October 1866. }

[1855]

Notice

No. 170.

NOTICE is hereby given that the exclusive right to collect Caoutchouc, in the district of Luckimpore, Upper Assam, will be sold by public auction in two lots at the Cutcherry of the Deputy Commissioner of Revenue on the 2nd November next. The general conditions of the lease will be as follows:—

1st.—The lease to be for one year, ending 30th April 1867.

2nd.—The period of collecting to be limited to the interval between the 1st November and 30th April.

3rd.—To provide for the loss of trees by tapping the lessees to bind themselves to plant 100 young trees in each lot.

4th.—On failure of the engagement the grant to be resumed, unless good cause be shewn.

A. K. COMBER,
Deputy Commissioner.

DIBROOGHUR: }
Revenue, Deputy Commr.'s Office, }
The 1st October 1866. }

Sheriff's Sale; Calcutta, the 12th October 1866.

NOTICE is hereby given that on Thursday, the sixth day of December next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale at the premises lately known as the Insolvent Court premises, in pursuance of an order of Court made on the 6th day of June last, in a certain cause wherein Joan Mull, who carries on trade and business in Burrabazar, in Calcutta, under the style of Soorutram Rybhun, is the Plaintiff, and Munnalall, who heretofore carried on trade and business at Agra, under the style and firm of Surotoke Roy, Roopchund, is the Defendant, for the recovery of the sum of Rupees 9,159-2-4, and interest thereon, from 6th June 1866, at 6 per cent., and costs Rupees 872-6; besides interest at 6 per cent. from the 16th June 1866, decree to be paid by the said Defendant to the said Plaintiff.

The Right, Title, and Interest of the said Defendant Munnalall of, in, and to the following deeds and documents, viz.:—

1st.—Several Bills of Sale, together with a Bill of sale from the Government to Munnalall of all that Mouzah called Pawoolce, Pergunnah Huzoor Tehseel, in the Zillah of Agra.

2nd.—Also, of, and, in Kibala, or Bill of Sale of all that one-storied shop, with the building on the upper-story and some unoccupied land situate at Mootee Kutra Goozur Khirkee, in the City of Agra, bounded as follows: On the East, by the wall of the premises now or lately belonging to Lallah Bahadoor Sing; on the West, now or lately

by the shop of one Mudden, a Painter; on the South, by the public road; and on the North, by the house and premises now or lately of the said Lallah Bahadoor Sing.

3rd.—Also a Kibala, or Bill of Sale of all that two-storied shop, with a building on the upper-story Court ground, land and premises, situate at Mohulla Motee, Kuttra Goozeer, Khirkee Kelan Khan, in the City of Agra, and bounded on the East by the house and premises now or lately of Bahadoor Sing; on the West by the house and premises now or lately of one Munnoo Goldsmith; on the South by the public road, and on the North by the wall of the house of one Biraj Aswal.

4th.—Also a Bill of Sale or Kibala of a house, with a building on the upper floor with the piece of land thereto belonging, situate in Mohulla Rastaparah Goozer Bazoer Kelan, in the City of Agra, and bounded as follows: On the East, by the public road; on the West, by the wall of Parsaud Sreebastub Keet; on the East, by the wall of Calloo Hajjan; and on the North by a.

5th.—Also a Kibala, or Bill of Sale of all those two gardens, with twenty-two mangoe trees, and other trees numbered respectively 157 and 755, situate in Mouzah Berolee, Aveer Pergunnah Huzoor Tehseel, Zillah Agra.

6th.—Also a Kibala, or Bill of Sale of all that piece or parcel of land, situate at Mohullah Motee Kutra, known as Koocha Galigan Goozeer Ghen Khan, in the City of Agra, and bounded on the East by a public lane; on the West partly by a blind lane, and partly by the house of Belas Roy; on the South by the house of Lallah Bahadoor Sing; and on the North by the house of the said Belas Roy Aswal.

7th.—Also a decree obtained by Munnalall against James Carter for Rupees 2,500.

8th.—Also a Promissory Note or Tumsook from one Hoolasey to Munnalall for Rupees 28-8 and interest.

9th.—Also a decree obtained by Munnalall against Hurreeram for Rupees 25-12.

10th.—Also a decree obtained by Munnalall against Mohunkoll for Rupees 20-2-3.

11th.—Also a letter of Laulehund to Munnalall's firm of Surotoke Roy Roopchund, admitting Rupees 800, balance of account, to be due to Munnalall.

12th.—Also Tummusook from Pertaub to Munnalall for Rupees 18.

13th.—And also an acknowledgment in the way of a Promissory Note or Tummusook from Baboo Rao Augray Wuzarat male Sewal Surkhul, otherwise called Appa Sahib, of Gawalior, admitting that he owes to Munnalall's firm of Surotoke Roy Roopchund Rupees 32,301-14-6.

The several documents above referred are in the hands of the Sheriff, and will be delivered by him to the respective purchasers thereof, on the completion of the purchase and sale.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. A. APCAR,
Sheriff.

[1856*]

Notice.

SALE OF WASTE LANDS.

Notice is hereby given that a Lot of Waste Land, estimated to consist of about 1,577 Acres, more or less, situated in Thannah Chuckoreah, Zillah Chittagong, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight annas per Acre, on the 2nd of February 1867, at the Office of the Collector of Chittagong, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

R. H. WILSON,
Officiating Collector.

ZILLAH CHITTAGONG;
Collector's Office,
The 13th October 1866.

BOUNDARIES OF LOT 103.

North—By the Pegua River.
South—By the Burra Kurria Faree.
East—By the Mascul Channel.
West—By the Kootubdeah and Mattarbaree Channels.

R. H. WILSON,
Officiating Collector.

PROBATE of the last Will and Testament of the Right Reverend George Edward Lynch Cotton, Doctor in Divinity, late Bishop of Calcutta and Metropolitan in India and Ceylon, deceased, has been this day granted by Her Majesty's High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Sophia Anne Cotton, his widow, and the Reverend Arthur Octavius Hardy, M. A., two of the Executors appointed by the Will of the said deceased, (reserving power to the other Executor to come in and prove the same). All persons having claims against the estate of the deceased are requested to make known to the same to the said Reverend Arthur Octavius Hardy, at the Bishop's Palace, Calcutta, to whom those indebted thereto are requested to pay the amount of their respective debts without delay.

ABBOTT & LATTEY,
Proctors.

CALCUTTA,
The 11th October 1866.

Soom Tea Company, "Limited."

IN consequence of the non-attendance of Shareholders sufficient in number to form a quorum at the adjourned Seventh Half-yearly Ordinary General Meeting of Shareholders in the above Company, called for to-day, Tuesday the 30th instant, at the Registered Office, No. 1, Lyons' Range, at 4 P. M., the Meeting stands adjourned to-morrow at the same hour and place.

TURNER, MORRISON AND CO.,
Secretary.

CALCUTTA,
The 30th October 1866.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Johann Anton Hoffmann, an Insolvent. } On Saturday, the 4th day of August instant, it was ordered that the Creditors of the said Insolvent do, on or before the first Court day in November next, file in the Office of the Chief Clerk of this Court a statement of their respective claims against the Estate of the said Insolvent duly verified by Affidavit, and that the Chief Clerk do form a Schedule from the claims so to be filed.

Moses, Attorney.

Chief Clerk's Office, the 14th August 1866.

In the matter of John Bischoff, an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Hon'ble W. Markby, the Acting Commissioner of the Insolvent Court, on Tuesday, the 6th day of November next, at the hour of 10 o'clock in the forenoon, at his residence No. 1, Theatre Road.

"Any Creditor of the said Insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid.

Insolvent in person.

In the matter of John Bischoff, an Insolvent. } Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic., cap. XXI., was filed in the Office of the Chief Clerk on the 11th day of October instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of John Bischoff, lately carrying on business as a Merchant in Calcutta, at No. 4, Old Court House Lane, but now a prisoner in Her Majesty's Presidency Jail at Calcutta, an Insolvent. } On Thursday, the 11th day of October instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 1st day of December next, and that the said Insolvent do then attend to be examined before the said Court.

Insolvent in person.

Chief Clerk's Office, the 30th October 1866.

Durrung Tea Company, "Limited."

WE beg to give notice that the ninth Call of Rupees 10 per Share in the above Company will be due on the 1st December next, and Shareholders are requested to pay the amount due on their Shares to the National Bank of India, "Limited," on or before the above date, and to send in the Bank's receipt with their scrip to the undersigned for endorsement.

By Order of the Directors,
WM. MINTO & Co
Secretaries.

CALCUTTA,
The 1st November 1866.

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**The East India Tea Company,
"Limited."**

The Ordinary Half-yearly General Meeting of the Shareholders of this Company will be held at the registered Office, No. 14, Strand, on Wednesday the 31st October 1866, at noon, for the purpose of receiving the Directors' Report and Accounts and the transaction of such other business as may be brought forward.

By Order of the Directors,

R. BLECHYNDEN,
Secretary.

CALCUTTA,
The 10th October 1866. }

Bishnauth Tea Company, "Limited."

WE beg to give notice that the adjourned Sixth Half-yearly Ordinary General Meeting of the Shareholders in the above Company will be held at the registered Office of the Company, No. 1, Lyons' Range, on Wednesday, the 14th November 1866, at 4 P. M., to receive the Directors' report, pass the accounts, and transact such other business as may be necessary.

By Order of the Directors,

TURNER, MORRISON & Co.,
Secretaries.

CALCUTTA,
The 30th October 1866. }

Lost or Stolen,

HALVES of the Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A30—86554,	for Rupees	100.
„ A30—79315,	„	100.
„ A30—82298,	„	100.
„ A30—65925,	„	100.
„ A24—11098,	„	50.
„ A24—02392,	„	50.

Total, Rupees ... 500.

Lost,

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A11—64335,	} for Rupees 50 each.
„ A23—86782,	

Lost,

FIRST-HALF of Rupees 20, Government Currency Note, No. A27—34452.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Laborers under contract for employment in Assam, Cuchar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labor Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

A Bengallee Translation of the Acts and Orders, recently published, is also to be had at the same price in the Office of the Superintendent of Labor Transport, Calcutta.

Edited by the Secretary, Board of Revenue.

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OF THE

REVENUE DEPARTMENT

IN THE

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This work supersedes "Hume's Manual," and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.

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WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,
MILITARY ORPHAN PRESS
1866.

[1858]

Stolen.

From the Sub-Divisional Treasury at Brahmenberria, in the District of Tipperah, on or about the 13th October 1866, the under-mentioned Notes:—

- 1 Paper Currency Note of Rs. 100, No. 27301.
- 1 Ditto ditto of Rs. 50, No. 05310.
- 1 Ditto ditto of Rs. 50, No. 29315.

F. G. MILLETT,
Magistrate and Collector.

Lost,

THE Left-halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—No. A30—77483, for Rupees (100) one hundred; No. A23—97525, for Rupees (50) fifty.

J. C. THORPE,
109, Bow Bazar Street.

CALCUTTA,
The 19th October 1866. }

Lost or Stolen.

SECOND-HALF of Government Currency Note, No. A20—50201, for Rupees 10 only.

Lost,

LEFT-HALF Currency Note, No. A8—04338, for Rupees 10. Payment stopped.

Lost,

HALVES of the following Notes, intimation of loss given to the Currency Office, Calcutta:—

- No. A6—63743, for Rupees 10.
- „ A8—10262, „ 10.

Mutilated.

HALF of the Currency Note, intimation of loss given to the Currency Office, Calcutta:—

- No. A7—53205, for Rupees 10.

Lost,

HALF of the following Currency Note, intimation given to the Currency Office, Calcutta:—

- No. A25—81720, for Rupees 20.

Caution.

THE Public are hereby cautioned against purchasing or taking in mortgage from Newab Seedee Nuzur Ally Khan a zemindary called Pergunnah Midnapore, &c., situate in zillah Midnapore, or the undermentioned Soondebund grants collectively known as the Furreedoonabad Estate, (that is to say) —

Messrs. Gordon, Stuart and Co.'s Grant, No. 79, containing 11,600 beegahs of land in Lot Wagilda.

Messrs. Bagshaw and Co.'s Grant, No. 90, containing 11,700 beegahs of land in Lot Aucrutollah.

Mr. Harris's Grants, Nos. 57, 58 and 67, containing 70,000 beegahs of land in Lot Mutbaree and Kally Rutallo and Alanobaker.

Mr. Storm's Grants, Nos. 91, 92 and 100, containing 42,500 beegahs of land in Lot Bhowanepore, Bissunpore and Fulanee;

and

Mr. Heatley's Grants, Nos. 87, 88, 89, 93, 94, 95, 96 and 97, containing 29,000 beegahs of land, in Lots Hossenabad, Mohunpore, Sootkooreah, Kallydangah, Nowpira, Sawria and Bhoysa Gungarampore, Pergunnah Bhowanepore.

The Public are also cautioned against purchasing or taking in mortgage from the said Newab Seedee Nuzur Ally Khan his dwelling-house, situate at Ballygunge, or any other real properties, in his possession or standing in his name, situate at Moorshedabad, Calcutta, and elsewhere, inasmuch as a decree has lately been obtained by Rajah Ojodeeram Khan against him and others in the Judge's Court at Midnapore, whereby it was decided that the said Newab Seedee Nuzur Ally Khan is not a *bona fide* purchaser for valuable consideration of the said zemindary, Pergunnah Midnapore, &c., and the said Newab Seedee Nuzur Ally Khan will be found largely indebted to the said Rajah Ojodeeram Khan on account of the mesne profits which have accrued during his possession of the said zemindary.

CALCUTTA,
The 12th October 1866. }

NOTICES issued by the POST-MASTER of CALCUTTA.

No. 153.

The 23rd October 1866.—Mail Packets for the Overland Mail, which leaves Bombay on the 14th November 1866, will be closed at this Office at 6 P. M., on each day as follows:—

Via Southampton on the 3rd November 1866.

Via Marseilles on the 4th November 1866.

Rates of Postage.

	Via Southampton.			Via Marseilles.		
	Rs.	As.	P.	Rs.	As.	P.
Under ½ Ounce	0	4	0	0	6	8
„ 1 „	0	8	0	0	13	4

No. 154.

The 23rd October 1866.—The Public are informed that an Express Packet will be sent to Bombay on Monday, the 5th November, and letters will be received up to 6 P. M. of the same day.

The Express Postage must be paid in at one Rupee per ½ of an Ounce in addition to the Steamer Postage.

Letters for the Express will be received by a Clerk at the Window.

No. 156.

The 29th October 1866.—The Overland Mail per Steamer *Nubia* will be closed on Thursday, the 8th November 1866, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia, can be sent by this opportunity.

	Weight.	Via Marseilles.			Via Southampton.		
Postage		Rs.	As.	P.	Rs.	As.	P.
Under ½ Ounce		0	6	8	0	4	0
„ 1 „		0	13	4	0	8	0
„ 2 „		1	10	8	1	0	0

[1859]

No. 157.

The 30th October 1866.—Mail for Rangoon, for transmission per Steamer *Kwantung*, will be closed at this Office on Friday, the 2nd November, at 6 P. M.

Letters, &c., for Port Blair can be sent *via* Rangoon by this opportunity.

No. 158.

The 30th October 1866.—The Overland Mail of the 19th October and Express Packet of the 20th idem arrived at Bombay in time for the Overland Steamer.

Memorandum shewing the Date and Hour of Arrival at the Calcutta Post Office of the Mails which left England on the 26th of September 1866, and the time occupied in sorting the Letters and Papers for delivery.

Name of the Steamer.	Date and Hour at which the Steamer anchored at Baboo Ghaut.	Hour at which the Mails arrived at the General Post Office.	Hour at which the Window Delivery commenced.	Hour at which the Mails left Office.	Delivery.	No. of Boxes of Letters.			No. of Boxes of News-Papers and Books.	
						Souharapour.	Marseilles.	Total.	Marseilles.	Total.
<i>Mercury</i> from the <i>Golconda</i>	30th Oct. 1866, at 10-20 A. M.	30th Oct. 1866, at 10-15 A. M.	30th Oct. 1866, at 1-15 P. M.	30th Oct. 1866, at 3 P. M.	2 1/2 30 m.	4	3	7 40	29	66 7
									Total ...	73
									France ...	2 Boxes.
									Madras ...	2 "
									Penang ...	1 "
									Hong-Kong ...	1 "
									Singapore ...	1 "
									Ceylon ...	2 "
									Australia ...	3 "
									Mauritius ...	1 Bag.
									Alexandria ...	1 "
									Australia ...	4 "
									Malta ...	1 Pkt.
									Aden ...	1 "
									Bombay ...	1 "
Gibraltar ...	1 "									
Suez ...	1 "									
Ceylon ...	1 "									
Mauritius ...	1 "									
Australia ...	11 "									
Total ...									109	

The 30th October 1866.



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, OCTOBER 31, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE:

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue, L. P.,

E. B. CHAPMAN,
Secretary.

ADVERTISEMENTS OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Bhullooah, will be put up to sale, in the Bhullooah Collectorate, on Monday, the 3rd December 1866, corresponding with 19th Agran 1273 B. S.

The Purchasers of the Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix, with the addition of the following Condition, viz.:—

1. That the purchase will have effect from 1273 B. S.

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
54	1452	Chur Jozid Nuzidpore ...	216 3 32	195 0 0	2 0 0	197 0 0	390 0 0	
68	1510	Chur Gandea ...	55 3 13	63 0 0	1 0 0	64 0 0	126 0 0	

BHULLOOAH COLLECTORATE, }
The 27th August 1866.

J. C. PRICE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government in the under-mentioned Plots of C. Land relinquished by the East Indian Railway Company, situated in the District of Shahabad, will be put up to sale, Revenue free, at the Shahabad Collectorate, on Friday, the 30th day of November 1866, corresponding with 5th Aghun 1274.

The Purchasers of these Plots will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
...	...	Kusbeh Hameedpore, Pergunnah Arrah ...	5 3 19½	.....	.....	.....	45 0 0	
...	...	Nawadahben, Pergunnah Arrah ...	3 2 30½	.....	.....	.....	55 0 0	
...	...	Koerdeh, Pergunnah Beeheea ...	1 0 17	.....	.....	.....	5 0 0	
...	...	Jogeebeer, Pergunnah Beeheea ...	2 0 10	.....	.....	.....	30 0 0	
...	...	Dhakyeel, Pergunnah Bhojepore ...	4 0 31½	.....	.....	.....	32 0 0	
...	...	Bhojepore Jadved, Pergunnah Bhojepore ...	0 1 13½	.....	.....	.....	5 0 0	
...	...	Buroona Beetulpore, Pergunnah Bhojepore ...	1 0 15½	.....	.....	.....	10 0 0	
...	...	Jugdeespore, Pergunnah Bhojepore ...	1 3 31½	.....	.....	.....	32 0 0	
...	...	Chousakhass, Pergunnah Chousa ...	2 0 14	.....	.....	.....	16 0 0	
...	...	Khelaftupore, Pergunnah Chousa ...	10 2 33½	.....	.....	.....	85 0 0	

SHAHABAD COLLECTORATE, }
The 4th October 1866.

H. ALEXANDER,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Sylhet, will be put up to sale, in the Sylhet Collectorate, on Tuesday, the 4th December 1866, corresponding with 20th Agrahan 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Notice:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.						Upset price.	REMARKS.	
				Revenue assessed.			Road Cess.					Total.
				Rs.	A.	P.	Rs.	A.	P.			
772	9735	Talook Sheik Haroo, Pergunnah Chaup Ghaut	2 3 0	7	15	0	0	2	0	8 1 0	15 14 0	Will be sold retaining the Government Revenue.
773	2980	Talook Joyram, Pergunnah Julsooka	27 2 38	2	0	0	0	0	3	2 0 3	4 0 0	
	39638	No. Mahamod Shoruff, Pergunnah Khaleeshabun Bag	0 2 3	.....	.....	.....	.....	.....	.....	.....	17 8 0
774	2891	No. Keshao Gobind Surmah, Pergunnah	Will be sold Revenue free.
775		Dacca Duckin	1 0 26	.....	.....	.....	.....	.....	.....	.....	2 7 2

T. WALTON,
Collector.

NOTICE

Is hereby given that the Proprietary right in the Government Estate, Hât Chitla, No. 1069, of the 24-Pergunnahs' Collectorate, situated in Pergunnah Magoorah, in the District of the 24-Pergunnahs, will be put up to sale at the Office of the Collector of the 24-Pergunnahs on the 1st day of February 1867.

2. The Estate will be sold to the highest bidder above (7,000 Rupees) seven thousand Rupees.

3. The Estate consists of 13bgs. 6cot. 5ch. of Chandnee land (more or less), and of 3bgs. 17cot., 15ch., more or less, on which the well-known Chitla Hât is held.

4. The purchase will take effect from the 1st of May 1867, from which date the Purchaser will acquire the proprietary right, subject to its liabilities for the eleven months, from 1st of May 1867 to 31st March 1868; the Purchaser will be liable to pay Rupees 3,208 as Government revenue. From the 1st of April 1868 to the 31st March 1869, and for every subsequent year, the demand of Government revenue will be Rupees 3,500.

5. Intending bidders can see all papers and learn all particulars by calling at the Office of Mr. Deputy Collector Heysham at Alipore.

6. The sale will be subject to the following Conditions:—

I. One-fourth of the amount bid must be immediately deposited, otherwise the Estate will be at once put up to sale again.

II. If the balance of purchase money be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or, if that day be a close holiday, then by noon of the first succeeding Office day, the sale will be cancelled, (the sum deposited being forfeited to Government.) and the Estate will be again put to sale, at the risk of the defaulting Purchaser, after issue of advertisement, as in the case of original sale.

III. In addition to the ordinary Government revenue fixed on the Estate, the Purchaser shall be bound to pay, for the construction of roads and improvement of communications, one per cent. on the Government revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of revenue.

H. L. DAMPIER,
Commissioner of the Nuddea Division.



APPENDIX (No. II.) TO
The Calcutta Gazette.

WEDNESDAY, OCTOBER 31, 1866.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estate, in the District of Moorshedabad, will be put up to public and unreserved sale, at the Collector's Office of that District, on the 19th November 1866, or 5th Ughran, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866:—

Class I.—Permanently-settled Estate.

No. 9.—Kismut Kossipore, Pergunnah Kossipore; recorded Proprietors, Kossinath Chowdry and others; Sudder Jumma Rupees 8,074-3, exclusive of the shares of Baboo Rajkissen Sein and Chundra Mookhee Dassya, paying Government Revenue amounting to Rupees 933-4.

W. L. HEELEY,
Offg. Collector.

MOORSHEDABAD; }
Collector's Office,
The 4th October 1866.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in the District of Burdwan, will be put up to public and unreserved sale, at the Collector's Office of that District, on Monday, the 19th November 1866, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th day of September 1866:—

Class I.—Permanently-settled Estates.

No. 158.—Shoomoodurguree, Pergunnah Shatsoyka; Proprietors, Sreemuttee Rohemun Nessah Bibee and others; Sudder Jumma Rupees 2,710-8-11.

No. 5177.—Charchundipore, Pergunnah Jehangerabad; Proprietor, Fuzlur Rohim; Sudder Jumma Rupees 511-13-11.

A. J. R. BAINBRIDGE,
Collector.

BURDWAN COLLECTORATE, }
The 8th October 1866.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in the District of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of that District, on Tuesday, the 20th November 1866, or 6th Aughun 1273 B. S., for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866:—

Class I.—Permanently-settled Estates.

Towjee No. 1298.—Seven annas share of Pergunnah Suryle; recorded Proprietors, Nobokishen Roy and Rajkishen Roy; Sudder Jumma of which is Rupees 11,675-14-10.

Towjee No. 1299.—Five annas twelve gundahs share of Pergunnah Suryle; recorded Proprietors, Nubokishen Roy and Rajkishen Roy; Sudder Jumma of which is Rupees 11,850-7-3.

F. G. MILLETT,
Collector.

ZILLAH TIPPERAH; }
Collector's Office,
The 3rd October 1866.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estates, in Zillah Chittagong, will be put up to public and unreserved sale, at the Collector's Office of that District, on Thursday, the 1st November 1866, corresponding with 16th Kartick 1273 B. S., for arrears of Revenue and other demands due on the 25th September 1866:—

Class I.—Permanently-settled Mehals.

No. 51.—Turruff Allee Khan; Proprietors, Shamut Allee, Dewan Behee Chowdhurine, Aukbur Allee Khan, and Jenut Allee Khan; Sudder Jumma of the Mehal is Rupees 1,606-0-9.

No. 1894.—Turruff Magun Ghonesham; Proprietors, Bhoirub Chunder, Mohamed Dowlut, and Tareenee Churn Surma; Sudder Jumma of the Mehal is Rupees 560-5-0.

No. 2562.—Turruff Ram Bhudra Canongoe; Proprietors, Urjoonbon Bharutty Mohunt, Bonneejan Behee, Bhoirub Churn, Chundy Churn, Saduck Allee Moonshee, Doorga Churn Doss, Grish Chunder Doss, Indronarian Chowdry, Kalee Churn, Magun Doss, Nussuroollah Moonshee, Nittanund Sein, Petamber, Petambar Canongoe, Raj Chunder, Ramdoss, Ram Mohun Sein, Ramsoonder Sein, Radha Kunt Bhareetee, Ramsoonder, Kalee Kunker Mohunt, Tariny Shunker Canongoe, Tripocra Churn, Unnodah Churn, Nittanundo Sein, Susty Churn Chowdry, Chundy Churn Nundy, Chundy Churn Nundy, Chundy Churn Dhur, Boistub Churn Poddar, Ramsebuk Poddar, Ramrutton Surmah, Gopaul Kisto Surmah, Orjoon Bharuttee Mohunt, Orjoon Bharutty Mohunt, Golam Hossein, Chandy Churn Dhur, Ram Sebuk Bunnick, Abdoollah Nilamdar, Susty Churn, Esan Chunder Canongoe, Ramrutton Surmah, Gopaul Kisto Surmah, Degumber Sein, Ozeer Allee, *alias* Potun, Tarinee Churn Biswas, Haree Doss Dey, Gookool Chunder Dey, Arradhun Dey, Sreemotee Besesseree, Ram Sagoor Dhur, and Oomachurn, exclusive of the shares of Ram Soonder Sein, Ram Mohun Sein, Doorga Doss, Saduck Allee Moonshee, Nittanund Sein, Ramsoonder, Kalikinkur, Chundy Churn Nundy, Ram Ruttun Surma, Gopaul Kisto Surma, Urjoon Bharutty Mohunt, Petamber Canongoe, Golam Hossein, Esan Chunder Canongoe, and others' shares for which the Revenue is paid, the share of Susty Churn Chowdry will be sold; the entire Sudder Jumma of the Mehal is Rupees 920-6-0.

No. 2588.—Nilam Ram Mohun, Emam Sheriff; Proprietors Ram Mohun Sein and Ram Soonder Sein; Sudder Jumma of the Mehal is Rupees 240-6-6.

R. H. WILSON,
Officiating Collector.

CHITTAGONG COLLECTORATE, }
The 5th October 1866.

No. 986.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the under-mentioned Estate, in the District of Zillah 24-Pergunnahs, will be put up to public and unreserved sale, at the Collector's Office of that District, on the 1st November 1866, for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 28th September 1866:—

Permanently-settled Estate.

No. 41.—Kismut Pergunnah Mooragatcha, Mouzah Loodea and others; recorded Proprietors, Joy Gopal Sircar; Government Revenue Rupees 703-7-11.

A. SMITH,
Collector.

COLLECTOR'S OFFICE; }
24-Pergunnahs,
The 5th October 1866.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 7, 1866.

Home Department.

LEGISLATIVE.

Simla, the 2nd October 1866.

THE following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:

ARRANGEMENT OF SECTIONS.

PART I.—Preliminary.

1. Short Title.
- Commencement of Act.
2. Repeal of Acts.
3. Interpretation Clause.
4. Nothing in Act to apply to British and Foreign Navies.
- PART II.—Of the Registry of Ships.
5. Ships to be registered.
- Certificate of Registry.
6. Ports of Registry.
7. Registrars.
8. Book of Registry.
9. Declaration before Registering Officer.
10. Further declaration in absence of part owner.
11. Measurement to be made of ships before registry.
12. Rule of measurement.
13. Measurement of steam-vessels.
14. Alterations in steam-vessels requiring new registry.
15. Measurement of laden vessels.
16. Registered tonnage to be marked on main beam.
17. Registered tonnage to be repeated in every subsequent Register.
18. Fraudulent use of Certificate of Registry.
19. Change of Master.
20. Name of Ship.
21. Certificate of Building.
22. Loss of Certificate of Registry.
23. Detention of Certificate.
24. Registration *de novo*.
25. Testimony of Registering Officers.
26. False declaration. Falsifying documents.

27. Ships of Native States.
28. Issue of Passes to Ships of Native States.
29. Coasting ships may be registered and obtain Passes.
30. Fee for Certificate of Registry of such coasting ships.
31. Fees to be fixed by Governor General in Council.
32. Ships to belong to ports at which they shall be registered.
33. Registers and Certificates of Registry admissible in all Courts without proof or signature.
34. Register and Certificates of Registry to be *prima facie* proof of their contents.

PART III.—Of Official Logs.

35. Official Logs to be kept in form sanctioned by Local Government.
36. Entries to be made in due time.
37. Entries required in Official Log—
 - (1)—Convictions.
 - (2)—Offences.
 - (3)—Punishments.
 - (4)—Conduct, &c., of crew.
 - (5)—Illness and injuries.
 - (6)—Deaths on board.
 - (7)—Births on board.
 - (8)—Marriages on board.
 - (9)—Quitting ship.
 - (10)—Wages of men entering navy.
 - (11)—Wages of deceased seamen.
 - (12)—Sale of deceased men's effects.
 - (13)—Collisions.
38. Entries how to be signed.
39. Penalties in respect of Official Logs.
40. Entries in Official Logs to be received in evidence.
41. Official Logs to be delivered to Shipping Master on ship's arrival at port of destination in India.
42. Official Logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.
- PART IV.—Of Enquiries into Wrecks.
43. Enquiry may be instituted in cases of wreck and casualty.
44. Investigation.
45. Report.
46. In case of wreck of foreign ship, Consul to be deemed owner's agent.

PART V.—Of Shipping Offices.

47. Establishment of Shipping Offices.
48. Appointment, removal, and control of Shipping Masters and Deputies.
49. Business of Shipping Masters.
50. Fees to be paid upon engagements and discharges.
51. Fees by whom to be paid.
Proviso as to excess.
52. Penalty on Shipping Master taking other remuneration.
53. Business of Shipping Office may be transacted at Custom House or elsewhere.

PART VI.—Of the Examination and Certificates of Masters and Mates.

54. Examinations.
55. Local Government to appoint examiners.
Rules for conduct of examination.
Fees.
56. Certificates of competency.
57. Certificates of service.
58. No foreign-going vessel and no Home-trade ship to go to Sea without certificated Master, &c.
59. Certificates for foreign-going ships available for Home-trade ships.
60. Record of grants, cancellations, &c., of Certificates of competency of service.
61. Loss of such Certificates.
62. Sections 54—61 not to apply to ships registered under this Act under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. Licenses to procure seamen.
64. Penalties—
 - (1)—For supplying seamen without license.
 - (2)—For employing unlicensed persons.
 - (3)—For receiving seamen illegally supplied.
65. Penalty for receiving remuneration from seamen for shipping them.
66. Agreements with seamen and others.
67. Contracts with lascars binding them to go to Australia, and thence to the United Kingdom.
68. Contracts with lascars binding them to go to the United Kingdom, and thence back to India.
69. For foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.
70. Engagements between Masters of foreign ships and lascars.
71. Fees payable in respect of such engagements.
72. Penalty for Master of foreign ship engaging lascars otherwise than is allowed by Sections 69 and 70.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.
73. Foreign-going ships making short voyages may have running agreements.
74. Engagement and discharge of seamen in the meantime.
75. Fees to be paid on such running agreements.
76. In Home-trade ships agreement to be entered into before Shipping Master.

78. Penalty for shipping
ment duly execute
79. Changes in crew to b
80. To prevent infracti
Master may board v
men.
81. Production of agreem
foreign-going ship
82. Production of agree
for Home-trade sh
83. Alterations to be vo
have been made w
ties.
84. Copy of agreement t
crew.
85. Seamen discharged l
compensation.
86. Relief of destitute la

PART VIII.—*Of Se*

(a)—*Regulation*

87. Regulation of advances
88. Advances improperly
discharge of wage

(b)—Allotment

89. Stipulations for allot the agreement.
90. Owner, &c., to pay t sums allotted. S Evidence.
91. Receipts and paymen on account of allo

(c)—Discharge and pa

- Discharge from foreign
made before Ship
Master to deliver acc
On discharge, Master
ficial discharge
of competency of

95. Shipping part to his Enforcement of award
96. Masters and others to Shipping Master
97. Rules as to settlement

(d)—Legal rights

98. Right to wages an
begin.
99. Seamen not to give u
Salvage services.
100. Wages not to be dep
of freight.
101. In case of death sue
after-mentioned.
102. Right to wages in
service by wreck o
103. Wages not to accrue
or imprisonment.
104. Period within which
105. Wages payable in for
able at par in the

(c)—Mode of reco

106. Seaman may sue su
gistrate for wages
Order of Magistr
107. Levy of wages by di
108. No suit for wages un
instituted in Adm

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Master to take charge of effects of deceased seamen.
111. Effects and wages to be paid to Shipping Master with full accounts.
112. Penalties for not taking charge of or accounting for such monies and effects.
113. Wages and property of deceased seamen may be paid without probate.
114. Disposal of wages and effects of deceased seamen not claimed within one year. Provision where subsequent claim made thereto.

PART X.—*Of the Provisions, Health, and Accommodation of Seamen.*

115. Survey of provisions and water on complaint made.
116. Forfeiture for frivolous complaint.
117. Allowance for short or bad provisions.
118. Medicines, &c., to be provided and kept on board certain ships.
119. Masters to keep weights and measures on board.
120. Expense of medical attendance and subsistence in case of illness how to be defrayed.
121. Place of shelter to be appropriated.
122. Shipping Master may board any ship and inspect provisions, &c., Procedure if provisions, &c., are found to be of bad quality.

PART XI.—*Of Complaints by Seamen.*

123. Seamen to be allowed to go on shore to make complaints to a Magistrate.

PART XII.—*Of the Protection of Seamen from imposition.*

124. Sale of and charge upon wages to be invalid.
125. No debt exceeding Rupees 3 to be recoverable till end of voyage.
126. Penalty for overcharges by lodging-house keepers.
127. Penalty for detaining seamen's effects.
128. Persons not to go on board before final arrival of ship.
129. Penalty for solicitations by lodging-house keepers.

PART XIII.—*Of Discipline.*

130. Penalty for misconduct endangering ship, or life, or limb.
131. Admiralty Court in India may, in certain cases, remove Master and appoint a new Master.
132. Court authorized to make enquiries into charges against Masters, Mates and Engineers and to report to Local Government.
133. Procedure of Court.
134. Local Government may direct investigation in cases of incompetency or misconduct.
135. Powers of Court, &c., in making enquiries.
136. Local Government may cancel or suspend certificates in certain cases.
137. Master, Mate, or Engineer to deliver up his certificate. Penalty for not delivering it.
138. Saving of powers vested in certain Admiralty Courts. Same powers may be exercised by Chief Criminal Court in any Indian port, and where there is no Admiralty Court.

139. Offences of seamen and apprentices, and their punishments—

- (1)—Desertion.
- (2)—Neglecting or refusing to join or to go to sea. Absence within twenty-four hours before sailing, and absence without leave.
- (3)—Quitting without leave before ship is secured.
- (4)—Act of disobedience.
- (5)—Continued disobedience.
- (6)—Assault on Officer.
- (7)—Combining to disobey.
- (8)—Wilful damage and embezzlement.
- (9)—Act of smuggling, causing loss to owner.

140. Entry of offences to be made in Official Log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.
141. Seamen whom Masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.
142. Master or owner may apprehend deserters without warrant.
143. Deserters may be sent on board in lieu of being imprisoned.
144. Seamen imprisoned for desertion, or breach of discipline, may be sent on board before termination of sentence.
145. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.
146. Facilities for proving desertion so far as concerns forfeiture of wages.
147. Costs of procuring imprisonment may, to the extent of Rs. 30, be deducted from wages.
148. Ascertainment of amount of forfeiture when seamen contract for the voyage.
149. Application of forfeitures.
150. Questions of forfeitures may be decided in suits for wages.
151. Penalty for false statement as to last ship or name.
152. Fines to be deducted from wages and paid to Shipping Master.
153. Penalty for enticing to desert and harbouring deserters.
154. Penalty for obtaining passage surreptitiously.
155. On change of Masters documents hereby required to be handed over to successor.

PART XIV.—*Of Passengers by Sea.*

Chapter 1.—*Of Native passengers between India and the Red Sea or Persian Gulf.*

156. What shall be deemed a Native passenger ship within the meaning of Sections 157—174 of this Act.
157. Native passenger ship to sail only from ports appointed by Local Government.
158. Native passenger ships not to sail without obtaining certificate.
159. Penalty for breach of provisions in Section 157, 158.
160. Appointment of Officers to act under Section 157.
161. Master to give notice of day of sailing, &c.
162. Power to enter and inspect ship.
163. Ship may be surveyed.

164. Officer to be satisfied before giving certificate—

- (1)—That the ship is sea-worthy.
- (2)—That the space between decks for passengers is sufficient.
- (3)—That the space on the upper deck is sufficient.
- (4)—That there is a due supply of provisions.

165. Number of passengers.

166. List of passengers.

167. Ship taking additional passengers, and touching at intermediate port.

168. Penalty for fraudulent alteration in ship after certificate has been obtained.

169. Information to be transmitted to ports of embarkation.

170. Report of Consul, &c., to be admissible in evidence.

171. Length of voyage to be fixed by proclamation.

172. Quantity of provisions and water to be shipped.

173. Contract by passengers for supply of their own provisions.

174. Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

175. Nothing in Sections 186—174 to apply to ships under contract with European Governments, or to steamers conveying public Mails.

Chapter 2—Of Native Passengers in the Bay of Bengal.

176. Number of Native passengers to be carried in unlicensed vessels.

177. Number of Native passengers to be carried in licensed vessels.

178. Penalty on Master of unlicensed vessel.

179. Penalty on Master of licensed vessel.

180. Government to appoint ports for shipment of passengers when the number to be carried is greater than one to every four tons.

181. Grant of licenses to vessels.

182. Certain licensed passenger vessels to carry provisions according to appointed scale.

183. Penalty for omitting to supply passengers with prescribed allowance of food and water.

184. Supply of provisions on board passenger-ships plying to and from Ceylon.

185. List of passengers to be signed by master. Additional passengers.

186. Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorized proportion.

187. Penalty for impeding entry or inspection.

188. Penalty for landing Native passengers at places other than that at which they have contracted to land.

189. Native passenger's right of suit preserved.

Chapter 3—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. Sections 191, 192, 193 to apply to passengers on certain voyages.

191. Governors or Consuls may pay expenses of passengers taken off a passenger ship.

192. Governors or Consuls may send on passengers if master of ship fail to do so.

193. Expenses incurred under Sections 190, 192, to be a Crown debt. Passengers forwarded under Section 192, not to be entitled to compensation.

194. Certificates to be furnished to coasting steam-vessels intending to carry passengers.

Chapter 4—Of Coasting Passenger Steamers.

195. Grant and contents of such certificates.

196. Copy of certificate to be placed in conspicuous part of steamer.

197. Penalty for exceeding number specified in certificate.

198. Penalty for proceeding without certificate.

199. Grant of certificate to be subject to control of Government.

PART XV.—Of Procedure.

200. Depositions to be received in evidence when witnesses cannot be produced.

201. Adjudication of offences and recovery of penalties.

202. Wages, penalties, &c., payable by master or owner, may be levied by distress of ship.

203. Jurisdiction.

204. By whom proceedings for penalties under Sections 188, 193, and 194 are to be instituted.

205. Application of penalties.

First Schedule. (Acts repealed by Section 2.)

Second Schedule:—

Table A. (Fees to be charged for matters transacted at Shipping Offices.)

Table B. (Sums to be deducted from wages by way of partial re-payment of fees in Table A.)

Third Schedule. (Form required by Section 185.)

A Bill to consolidate and amend the law relating to Merchant Ships, Seamen, and Passengers by Sea.

WHEREAS it is expedient to consolidate and amend the law relating to Merchant Ships, Seamen, and Passengers by Sea; It is hereby enacted as follows:—

PART I.—Preliminary.

1. This Act shall be called "The Indian Shipping Act, 1867," and shall come into operation on the

1st of March 1867.

2. The Acts specified in the first Schedule hereto are hereby repealed, except as to the repeal of Acts and parts of Acts effected thereby; and except as to acts done, penalties incurred, and agreements made before the passing of this Act. All things duly done under any of the Acts hereby repealed shall be considered as having been done under this Act.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India" means the territories which are or may become vested in Her Majesty or

Her Successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India;"

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca), a Joint-Magistrate and any person lawfully exercising the powers of a Magistrate and a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant;

"Local Government" means the person or persons for the time being immediately administering the Executive Government of that portion of British India where the port or place in question is situate;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Home-trade ship" includes every ship employed in trading between any ports of the said territories, or between any port of the said territories and any port or place on the Continent of India, or in the Island of Ceylon;

"Foreign-going ship" includes every ship employed in trading between any port of the said territories and any port or place not in the said territories, nor on the Continent of India, nor in the Island of Ceylon;

"Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman" includes every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship;

"Section" and "Part" respectively mean Section and Part of this Act.

Words importing the singular number include the plural: words importing the plural number include the singular: and words importing the masculine gender, include females;

"Person" includes any Company or Association or body of persons whether incorporated or not.

"Person." "Seaman."

4. Nothing herein contained shall apply to ships belonging to or in the service of Her Majesty or belonging to any foreign Government; and nothing in Parts III to XIII, both inclusive, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any foreign Government.

Nothing in Act to apply to British and Foreign Navies.

PART II.—Of the Registry of Ships.

5. No ship shall be deemed a British ship under the proclamation issued by the Governor General of India in Council pursuant to the Statute 3rd and 4th

Vic., Cap. 56, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned in British India, and shall have obtained

a certificate of such registry from the person authorised to make such registry, and grant such certificate as hereinafter directed. Such certificate shall be in the following form:—

"This is to certify that in pursuance of "The Indian Shipping Act, 1867" (here insert the name or names, and occupation and residence, of subscribing owner or owners) having made and subscribed the declaration required by the said Act, and having declared that he (or they) together with (names, occupations, and residence of non-subscribing owners), is (or are) sole owner (or owners, in the proportions specified on the back hereof), of the ship called the (ships' name), of (place at which the ship shall be registered), which is of the burthen of (number of tons), and whereof (master's name) is master; and that the said ship was (when and where built,) and (name and employment of Surveying Officer) having certified to us that the said ship has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned,) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincker) built, has (whether any or no) gallery, and (kind of head, if any) head; and the said subscribing owner or owners having consented and agreed to the above description, the said ship called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of name of port, this (date) day of (name of month) in the year (words at length).

(Signed) _____

Collector or Registrar of Shipping.

And on the back of such Certificate of Registry there shall be an account of the parts or shares held by each of the owners (where there are more owners than one) mentioned and described in such certificate, in the form and manner following:—

Names of several owners within mentioned.	Number of shares held by each owner.
Name ...	... Thirty-two.
Name ...	... Sixteen.
Name ...	... Eight.
	&c., &c."

(Signed) _____

Collector.

6. The ports at which registration shall be made, shall be the ports of

Calcutta, Madras, Bombay, and such other places subordinate to the Local Governments of British India, as such Governments respectively may, from time to time, declare to be registering ports under this Act: Provided that ships built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place. Such certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a Certificate of Registry, and shall specify the ports at which it is intended that they shall respectively be registered, and shall have all the effect of a Certificate of Registry under this Act, during the first voyage from the place of

building to the ports at which the ships respectively shall be afterwards registered: Provided that such ship so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or master of such ship shall be liable, on information in any Court in British India by the Advocates-General of the respective Presidencies, to a penalty not exceeding five thousand Rupees.

7. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the collector of duties at any port in the said territories, and such other different persons as the Local Government may, from time to time, appoint in that behalf.

8. At every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer in which all the particulars contained in the form of the Certificate of the Registry hereinbefore directed to be used shall be duly entered. Every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each year: And such Registering Officer shall forthwith, or within one month at the furthest, send to the Local Government to which he is subordinate a true copy, together with the number of every certificate which shall be by him so granted.

9. No registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship required to be registered:—

I, *A B*, of (*place of residence and occupation*), do truly declare that the ship (*name*) of (*port or place*) whereof (*master's name*) is at present master, being (*kind of build, burthen, &c., as described in the certificate of the Surveying Officer*), was (*when and where*) built, and that I the said (*A B*) and the other owners (*names and occupations, if any, and where they respectively reside*) am (or are) sole owner (or owners) of the said ship, and that no other person or persons whatever hath or have any right, title, interest, share or property therein or thereto; and that I the said (*A B*) and the said other owners (if any) am (or are) truly and *bona fide* a subject (or subjects) of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship.

Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate; and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

10. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner as shall personally attend and make and subscribe the declaration aforesaid shall further

declare that the part owner or part owners of such ship then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his knowledge or belief, wilfully absented himself in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is prevented by illness from attending to make and subscribe the said declaration.

11. Previous to the registering or granting of Measurement to be made. any Certificate of Registry as aforesaid, some person appointed by the Local Government taking to his assistance, if he shall judge it necessary, some person skilled in the building and admeasurement of ships shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and admeasure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner, or in his absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship as are specified in the form of the certificate above recited to the Officer authorized to make such Registry and grant such Certificate of Registry as aforesaid. The said master, or other person attending on the part of the owner, is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof: provided such master or other person shall consent and agree to the several particulars set forth and described therein.

12. From and after the commencement of this Act, the tonnage of every ship required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post, into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts, and measure the inside breadths at the following points, *videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck,

or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

13. In each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the ship as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner (that is to say),—measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

14. The tonnage due to the cubical contents of the engine-room and also the length of the engine-room, shall be set forth in the Certificate of Registry as part of the description of the ship, and any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry *de novo*.

15. For the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established (that is to say),—measure, *first*, the length on the upper deck between the afterpart of the steam and the forepart of the stern-post; *secondly*, the inside breadth on the underside of the upper deck at the middle point of the length; and, *thirdly*, the depth from the underside of the upper deck down the pump well to the skin: multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

16. The true amount of the register tonnage of every merchant ship belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship, prior to her being registered.

17. Whenever the tonnage of any ship shall have been ascertained according to the rules herein prescribed, such amount of tonnage shall ever after be deemed the tonnage of such ship, and shall be repeated in every subse-

quent registry of such ship, unless it shall happen that any alteration has been made in the form or burthen of such ship, or it shall be discovered that the tonnage of such ship had been erroneously taken and computed.

18. If such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any ship other than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding ten thousand Rupees. In case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding five thousand Rupees. If any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship, and the same shall be within the limits or any port of British India, then and in such case the Certificate of Registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the Registering Officer at such port, and if such ship shall be in any place not within British India when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

19. When and so often as the master of any ship registered in manner hereinbefore directed shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such Certificates of Registry at the port where such change shall take place, if it be a port within British India the Certificate of Registry belonging to such ship, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change

Measurement of steam vessels.

Alterations in steam-vessels requiring new registry.

Measurement of laden vessels.

Registered tonnage to be marked on main beam.

Registered tonnage to be repeated in every subsequent register.

Fraudulent use of Certificate.

Change of Master.

do not take place in any port within British India, then such delivery, memorandum, and endorsement shall be made, and notice given at the first port within British India at which the new master shall arrive after such change. In default of such delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five thousand Rupees.

20. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act. The owner of every ship which shall be so registered, shall, before such ship, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same. If such owner or master of such ship shall permit such ship to begin to take in cargo before her name has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship to be described by any other name to any Officer of Revenue in the due execution of his duty, then and in every such case the Certificate of Registry shall thenceforth become void, and such owner or master of such ship shall be liable, on information as aforesaid, to a penalty not exceeding ten thousand Rupees.

21. Every person who shall apply for Certificate of the Registry of any ship, shall, and is hereby required to produce to the person authorized to grant such certificate, a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship was built, and also an exact account of her tonnage, and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same as that which is so described by the builder as aforesaid.

22. If the Certificate of Registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for her use when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted: Provided always that if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the pre-

sent use of such ship, and such license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act: Provided always that if the Certificate of Registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate, and the renewed certificate and license shall thenceforth become void. Any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

23. In case any person who shall have received or obtained by any means, or for any purpose whatever, the Certificate of the Registry of any such ship (whether he shall claim to be the master or to be the owner or one of the owners of such ship, or not), shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession, and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall, and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal. If it shall appear to the said Justice on examination of such person, or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said person, he shall be subject, on conviction before such Justice, to a penalty not exceeding one thousand Rupees; and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person who granted such Certificate of Registry for such ship who shall, on the terms and conditions of law being complied with, make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo*. If the person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship was registered, it shall be lawful for the said Officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship in like manner as is hereinbefore provided in the case wherein the Certificate of Registry is lost or mislaid.

24. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry,

or if any alteration shall take place in the ownership of any ship, or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within British India, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five thousand Rupees.

25. The Registering Officer at any port or place, and the person acting for him, shall, upon every reasonable request by any person whomsoever, produce and exhibit for his inspection and examination any declaration made by any such owner, and also any register or entry in any book of registry required, and shall upon every reasonable request by any person whomsoever permit him to take a copy, or extract thereof respectively. The copy of any such oath or declaration, registry or entry, shall, upon being proved to be a true copy thereof respectively, be received as evidence upon every trial without the production of the original, and without the testimony or attendance of any Registering Officer, or other person acting for him respectively, in all cases, as fully as such original if produced by any Registering Officer, or other person acting for him, could or might legally be admitted or received in evidence.

26. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall, for every such offence, be liable on conviction upon information as aforesaid, to a penalty not exceeding ten thousand Rupees. If any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

27. When any ship duly registered under this Act, or under any statute for the time being in force in the United Kingdom, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State, it shall be lawful for the Local Government to continue to such ship the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Seal of the Local Government and subscribed by a Secretary to such Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last. It shall be lawful for the Local Government to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of his or its subjects: Provided always

that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General of India in Council has power to legislate.

28. The passes which, under the last preceding section of this Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with, the Government of India, may be issued in the like cases, and under the same restrictions, to any ship belonging to any such Native Prince or State, or his or its subjects, wherever the same may have been built.

29. All ships of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under this Act, or owned by such Native Princes or States, or by their subjects, entitled to passes under this Act, employed only in coasting voyages or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Local Government.

30. The owners of coasting vessels, registered under Section 29, shall pay for each Certificate of Registry—
For a vessel not exceeding the burthen of four tons, one Rupee;
Exceeding four tons and not exceeding twenty tons, five Rupees;
Exceeding twenty tons and not exceeding eighty tons, seven Rupees;
Exceeding eighty tons, for each ton two annas.

Such fees shall be carried to the credit of the Local Government.

31. Subject to the provisions contained in Section 30, fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General of India in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships at the different Presidencies.

32. All ships registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered. All ships being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. Such ships built and owned as required by the Statute 3 and 4 Vic., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of

Issue of passes to ships of Native States.

Coasting ships may be registered and obtain passes.

Fee for Certificate of Registry of such coasting ships.

Fees.

Ships to belong to ports at which they shall be registered.

the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships built and owned as aforesaid might be deemed British ships for the purposes of trade.

33. Every register of a ship kept under this Act, or under any of the Acts of Parliament relating to the registry of British ships, may be proved in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any suit or other proceeding in any such Court, either by production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original. Such person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee.

34. Every such register, or such copy of a register, and also every Certificate of Registry granted under this Act, or any of the said Acts of Parliament, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive and examine evidence as aforesaid, as *prima facie* proof of all the matters contained or recited in such register, when the register or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said certificate is produced.

PART III.—Of Official Logs.

35. An official log-book of every ship registered at any port or place in British India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the Local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

36. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

37. Every master of a ship for which an official log-book is hereby required, shall make or cause to be made therein entries of the following matters (that is to say),—

(1)—Every legal conviction of any member of his crew, and the punishment inflicted:

(2)—Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as required by Section 140:

(3)—Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4)—A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

(5)—Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6)—Every case of death happening on board, and of the cause thereof:

(7)—Every birth happening on board, with the sex of the infant, and the names of the parents:

(8)—Every marriage taking place on board, with the names and ages of the parties:

(9)—The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

(10)—The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

(11)—The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

(12)—The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

(13)—Every collision with any other ship, and the circumstances under which the same occurred.

38. The entries hereby required to be made in official log-books shall be signed as follows (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

39. The following offences in respect of official log-books shall be punishable as hereinafter mentioned (that is to say),—

(1.)—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such

log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

(2.)—Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in British India, more than twenty-four hours after such arrival shall, for each such offence, incur a penalty not exceeding three hundred Rupees.

(3.)—Every person who wilfully destroys or mutilates or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

40. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

41. The master of every foreign-going ship shall within forty-eight hours after the ship's arrival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons, shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in British India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

42. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 35, the master or owner thereof shall, if such ship is then in any port in British India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees; and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees.

PART IV.—Enquiries into Wrecks.

Enquiry may be instituted in cases of wreck and casualty.

43. In any of the cases following (that is to say),—

Whenever any ship, whether British or foreign, is lost, abandoned, or materially damaged on or near the coasts of British India;

Whenever any such ship causes loss or material damage to any other such ship on or near such coasts;

Whenever, by reason of any casualty happening to or on board of any such ship on or near such coasts, loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to, or on board any ship registered at any port or place in British India, under the Merchant Shipping Act, 1854, or under this Act:

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred in British India; but if elsewhere, at or near the place where such witness as hereinafter mentioned arrive or are found to give notice of the same to the Local Government: It shall be lawful for the Local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the Local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held, the other may be any person conversant with maritime affairs.

44. The persons appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

45. Upon the conclusion of the case the persons appointed to investigate shall send a report to the Local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they may think fit.

46. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coast of British India, or belonging to or forming part of the cargo thereof, are found on or near such coast, or are brought into any port in British India, any Consular Officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

PART V.—Of Shipping Offices.

47. A Shipping Office shall be established at each of the ports of Calcutta, Madras, and Bombay, and at such other ports as the Governor General of India in Council

Shipping Offices.

shall hereafter deem necessary. For every such Office there shall be a Superintendent, to be called a "Shipping Master," with such necessary deputies, clerks, and servants, at such salaries, and subject to such regulations as the Local Government shall, from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any deputy duly appointed shall have the same effect as if done by or before a Shipping Master.

48. The Local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government, or of any intermediate authority which it may appoint.

49. It shall be the general business of the Shipping Masters appointed under this Act to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act No. XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

50. Such fees, not exceeding the sums specified in the Table marked (A) in the second Schedule to this Act, as are, from time to time, fixed by the Local Government shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being shall be conspicuously placed in the Shipping Offices; and all Shipping Masters, their deputies, clerks, and servants may refuse to proceed with any engagement, unless the fees payable thereon are first paid.

51. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sum not exceeding the sum specified in that behalf in the Table marked (B) in the second Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct, exceed the amount of the fee payable by him, such excess shall be paid by him to the Shipping Master in addition to such fee.

52. Any Shipping Master, Deputy Shipping Master, or any clerk or servant in any Shipping Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred Rupees, and shall also be dismissed from his office.

53. The Local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct; and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

PART VI.—Of the Examinations and Certificates of Masters and Mates.

54. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of Home-trade ships, of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

55. The Local Government or any Board or Officer duly authorized by the Local Government in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination. The Local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations, and as to the qualifications to be required, and such rules shall be strictly adhered to by all examiners. Fees at the following rates shall be paid by all applicants for examination:—

For a certificate as Master ...	Ten Rupees.
Ditto ditto as Mate ...	Five "

56. The Local Government or such Board or Officer as aforesaid shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of a foreign-going ship, or of a Home-trade ship, of a burden exceeding three hundred tons, as the case may be.

57. Certificates of service differing in form from certificates of competency shall be granted as follows (that it to say),—

(1)—Every person who, before the passing of this Act, has served as master in the British merchant service or as master of any foreign-going ship registered under Act No. X. of 1841, or who shall attain or has attained the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master for foreign-going ships:

(2)—Every person who, before the passing of this Act, has served as mate in the British merchant service or as mate of any such ship as aforesaid, shall be entitled to a certificate of service as mate for foreign-going ships:

(3)—Every person who, before the passing of this Act, has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships:

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered; and the Local Government or such other authority as aforesaid shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

58. No foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any port in British India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act, 1854; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, be liable to a penalty of five hundred Rupees.

59. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

60. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Local Government shall direct. A note of all orders made for cancelling, suspending, altering,

or otherwise affecting any certificate in pursuance of the powers hereing contained shall be entered in the record of certificates.

61. Whenever any master or mate proves to the satisfaction of the Local Government or such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

62. Sections 54 to 61 (both inclusive) shall not apply to ships registered under this Act, and trading between ports in India and the coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen.

PART VII.—Of the Engagement of Seamen.

63. The Local Government, or any Board or Officer duly authorized by the Local Government in that behalf may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

64. The following offences shall be punishable as hereinafter mentioned (that is to say),—

(1)—If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is bound side the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

(2)—If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

(3)—If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

65. If any persons demand or receives, either directly or indirectly, from any seaman or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

No foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated master, &c.

Certificates for foreign-going ships available for Home-trade ships.

Record of grants, cancellations, &c., of certificates.

Loss of certificate.

Sections 54 to 61 of this Act not to apply to ships registered under this Act, under certain circumstances.

Licenses to procure seamen.

Penalties.

For supplying seamen without license.

For employing unlicensed persons.

For receiving seamen illegally supplied.

Penalty for receiving remuneration from seamen for shipping them.

66. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade,

Agreements with seamen and others.

shall enter into an agreement with every seaman and with every Native of British India not being a seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereafter mentioned; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof and shall be signed by the master before any seaman or other person aforesaid signs the same and shall contain the following particulars as terms thereof (that is to say),—

(1)—The nature and, as far as practicable, the duration of the intended voyage or engagement:

(2)—The number and description of the crew, specifying how many are engaged as sailors:

(3)—The time at which each seaman, and each Native of British India not being a seaman, is to be on board or to begin work:

(4)—The capacity in which each seaman, and each Native of British India not being a seaman, is to serve:

(5)—The amount of wages which each seaman and each Native of British India not being a seaman is to receive.

(6)—A scale of the provisions which are to be furnished to each seaman and to each Native of British India not being a seaman:

(7)—Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British

Proviso as to forms for British or Colonial ships.

possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seaman, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided

Proviso where lascars, &c., are shipped.

also that, in the case of lascars or other Native seaman, and every Native of India not being a seaman, when it shall be agreed that the service of any such seaman or other person aforesaid shall end at any port not in British India, the agreement shall contain stipulations for providing for such seaman or other person aforesaid fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation

shall be signed by the owner of the vessel, or by the master on his behalf.

67. It shall be lawful for any master or owner of a ship or his agent to enter into contract with lascars or Natives of British India, binding them to proceed to any port or ports in the Australian Colonies

Contracts may be made with lascars binding them to go to Australia and thence to serve in other ships to the United Kingdom.

either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions: Provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country, and for other purposes as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such contract is, on arriving in any of the said Colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's Dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said Colony that such agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed for all purposes one of the crew of the ship. If he refuses to enter into such agreement, he shall notwithstanding such refusal be liable to the same consequences and be dealt with in all respects in the same manner as if he had voluntarily entered into the same. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the Colony may appoint.

68. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with lascars or Natives of British India, binding them to proceed to any port or ports in the United Kingdom,

Contracts may be made with lascars binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that pur-

pose by the Government of India; that such further agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such lascar or other person to serve in, and that there is not in the opinion of such Officer any objection to the full performance of the said original agreement, such lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such Officer as aforesaid such fee as the Government of India may appoint, not exceeding ten shillings.

69. In the case of all foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements (that is to say),—

(1)—Every agreement made in any port in British India (except in such cases of agreements with substitutes as are hereafter specially provided for), shall be signed by each seaman in the presence of a Shipping Master.

(2)—Such Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(3)—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

(4) In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement, shall, when practicable, be made before some Shipping Master duly appointed in the manner hereinbefore specified. Whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

70. When the master of a foreign ship being at any port in British India engages any lascar or other Native seaman to proceed to any port out of British India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore

provided for the making of agreements in the case of foreign-going ships; and all the provisions of Sections 66 and 69 respecting the form of such agreements, and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in British India for an amount calculated at the rate of one hundred Rupees for every such seaman, and conditioned for the due performance of the said agreement and stipulations.

71. The fees prescribed in Section 51 shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

72. If any lascar or other Native seaman is engaged by the master of any foreign ship otherwise than is allowed in the two last preceding sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section 80 of this Act shall be applicable in respect of every such ship.

73. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in British India after such date, or the discharge of cargo consequent upon such arrival. Every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in any port in British India, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships.

74. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in British

India before the final termination of the agreement, discharge or engage before the Shipping Master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required; and shall deliver the agreement so endorsed to the Shipping Master. Any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding

For foreign-going ships agreements with seamen, except in special cases, to be made before and attested by a Shipping Master.

whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to

Agreement to be signed by seaman.

Shipping Master to cause agreement to be explained to seaman.

To be in duplicate.

Provision for substitutes.

Engagement between masters of foreign ships, and lascars.

Fees payable in respect of such engagements.

Penalty for master of foreign ship engaging lascars otherwise than is allowed by Sections 71, 72.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.

Foreign-going ships making short voyages may have running agreements.

Engagement and discharge of seamen in the meantime.

two hundred Rupees. The Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

75. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

76. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seaman may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to foreign-going ships. In every case in which the engagement is not so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

77. In cases where several Home-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding any thing herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for Home-trade ships shall be applicable to agreements made in pursuance of this Section.

78. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner, and at the place and time hereby in such case required the master shall for each such offence incur a penalty not exceeding fifty Rupees.

79. The master of every foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving British India, sign and send to the nearest Shipping Master a full and accurate statement in form sanctioned by the Governor General of India in Council, of every change which takes place in his crew before finally leaving British India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

80. For the purpose of preventing any seamen from being shipped at any port in India contrary to the provisions of this Act, the Shipping Master by himself or his deputy may enter at any time on board any ship upon which he shall have

reason to believe that seamen have been shipped and may muster and examine the several seamen employed therein. Any person who shall obstruct the said Shipping Master or deputy in such duty, shall be liable to a penalty not exceeding one hundred Rupees.

81. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships (that is to say),—

(1)—The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

(2)—In the case of running agreements for foreign-going ships, the Shipping Master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Shipping Master the certificate of competency of service of any mate then first engaged by him a certificate to that effect.

(3)—The master of every foreign-going ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a port-clearance. No Officer of Customs or other Officer shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such Officer may detain her until such certificate as aforesaid is produced.

(4)—The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in British India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping Master at the place; and such Shipping Master shall thereupon give to the master a certificate of such delivery; and no Officer of Customs or other Officer shall clear any foreign-going ship inwards without the production of such certificate.

And if the master of any foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

82. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons (that is to say),—

(1)—No such agreement shall extend beyond the next following thirtieth day of June or thirtieth day of December, or the first arrival of the ship at her final port of destination in British India after such date, or the discharge of cargo consequent upon such arrival.

(2)—The master or owner of every such ship shall, within twenty-one days after the thirtieth

Fees to be paid on such running agreements.

In Home-trade ships agreement to be entered into before a Shipping Master or other witness.

Special agreements for Home-trade ships belonging to same owner.

Penalty for shipping a seaman without agreement duly executed.

Changes in crew to be reported.

To prevent infraction of Act, Shipping Master may board vessels and muster seamen.

Production of agreements and certificates for foreign-going ships.

Rules as to production of agreements and certificates for Home-trade ships.

day of June and the thirty-first day of December in every year, or (if the ship is not at any port in British India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year), within forty-eight hours after her next arrival at any port in British India, transmit or deliver to some Shipping Master in British India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

(3)—The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a port-clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall, for every default, incur a penalty not exceeding fifty Rupees.

83. Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

84. The master shall, at the commencement of every voyage or engagement cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

85. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

86. The Government of India shall take charge of and send home, or otherwise provide for, all persons being lascars or other Natives of British India who are found destitute in the United Kingdom; and if any such person is relieved or maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the Post or otherwise, give notice thereof in writing to the Permanent Under-Secretary of State for India, specifying, so far as is practicable, the following particulars, viz:—

(1)—The name of the person so relieved or maintained.

(2) The Presidency or District or part of British India of which he professes to be a Native.

(3)—The name of the ship in which he was brought to the United Kingdom.

(4)—The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival.

And the Government of India shall repay to the said overseers, guardians, or other persons, out of the revenues of British India, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

PART VIII.—OF SEAMEN'S WAGES.

(a)—Regulation of Advances.

87. No advance of wages shall be made or advance-note given to any person but the seaman himself. No advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and an accurate statement of the amount thereof. No advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

88. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

(b)—Allotment of Wages.

89. All stipulations for the allotment of any part of the wages of seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and times of the payments to be made. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some member of his family to be named in the note, and shall be payable to the Shipping Master on account of such rela-

tive of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seamen.

90. The owner or any agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted by the note, when and as the same are made payable, unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid. In the event of such sums not being paid to the Shipping Master on demand the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shewn to the satisfaction of the Court or Magistrate, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to shew satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Suits on allotment-notes. Evidence.

91. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his deputy, and the said book shall be at all times open to the inspection of the parties concerned.

Receipts and payments by Shipping Master on account of allotment-notes.

(c) Discharge and payment of Wages.

92. All seamen discharged from any foreign-going ship at any port in British India in whatever part of Her Majesty's dominions the ship is registered shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent Court otherwise directs. And any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding one hundred Rupees. In the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

93. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the Local Government, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty Rupees. No deduction from the wages of any seaman (except in res-

pect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered. The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

94. Upon the discharge of any seaman or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. If any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred Rupees. The master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him return such certificate, and shall in default incur a penalty not exceeding two hundred Rupees.

95. Every Shipping Master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be *prima facie* evidence thereof. An award made by a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section 106.

96. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter. Every owner, agent, master, mate or other member of the crew who, when called upon by the Shipping Master, does not produce any such paper or document, as aforesaid if in his possession or power, or does not appear and give evidence, shall, unless he shews some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty Rupees.

97. The following rules shall be observed with respect to the settlement of wages (that is to say),—

Rules as to settlement of wages.

(1) Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively in the presence of the Shipping Master, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest the release and shall retain the same.

(2)—Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3)—A copy of such release, certified under the hand of such Shipping Master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy.

(4)—In cases in which discharge and settlement before a Shipping Master are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim.

(5)—Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

(d)—Legal Rights to Wages.

98. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

99. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. Nothing contained in the former part of this section shall apply to the case of any stipulation made by the seamen belonging to

any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

100. No right to wages shall be dependent on the earning of freight. Every seaman and apprentice who would be entitled to demand and recover any wages

if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim.

101. If any seaman or apprentice to whom wages are due under the last preceding section dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

102. In cases where the service of any seamen terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act, 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

103. No seamen or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

104. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens. The seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

105. When any monies are payable in British India to any seaman or apprentice for wages, or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin other than the current coin of the port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

Release to be signed before and attested by the Shipping Master.

To be a discharge.

And to be evidence.

No other receipt to be a discharge.

Voucher to be given to master and to be evidence.

Right to wages and provisions when to begin.

Seamen not to give up certain rights.

Salvage services.

Wages not to be dependent on the earning of freight.

In case of death, such wages to be paid as after-mentioned.

Rights to wages in case of termination of service by wreck or illness.

Wages not to accrue during refusal to work or imprisonment.

Period within which wages are to be paid.

What sum in the current coin of India shall be recovered by seaman under an agreement expressing his wages, &c., to be payable in a foreign coin.

(c)—*Mode of recovering Wages.*

106. Any seaman or apprentice, or any person duly authorized on his behalf, may sue, in a summary manner, before any Magistrate acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seamen or apprentice not exceeding five hundred Rupees. Every order made by such Magistrate in the matter shall be final.

Seaman may sue summarily before any Magistrate for wages not exceeding 500 Rupees.

Order of Magistrate to be final.

107. When an order for the payment of wages is made by a Magistrate under the last preceding section, and the wages are not paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

Levy of wages by distress.

108. No suit or proceeding for the recovery of wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

No suit for wages under 500 Rupees to be instituted in Admiralty Court, &c., except in certain cases.

109. Every master of a ship, whether British or foreign, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages (subject to all just deductions) which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages, any right of set-off or counterclaim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Master to have same remedies for wages as seamen.

Explanation.—A master is entitled, under this section and section 104, to double pay for the number of days (not exceeding ten) during which the payment of his wages is improperly withheld; but he is not so entitled if he himself causes the delay by improperly keeping back the accounts of the ship.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Whenever a seaman or apprentice on a voyage which is to terminate at any port in British India dies during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall enter in the official log-book a statement of the amount

Master to take charge of effects of deceased seamen.

of money, and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

111. The master shall, within forty-eight hours after his arrival at his port of destination in British India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such port, and shall give to such Shipping Master an account of the effects, money, and wages so to be delivered and paid. No deductions claimed in such account shall be allowed unless verified, if there is an official log-book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

Effects and wages to be paid to Shipping Master with full accounts.

112. If the master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore respectively directed, he shall be accountable for the money, wages and effects of the seamen or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. All money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts, and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Penalties for not taking charge of or accounting for such monies and effects.

113. When money or effects left by or due to any deceased seaman or apprentice are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice, or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so said and delivered; or if he think fit so to do, the Shipping Master may require probate or letters of administration or a certificate under Act No. XX of 1841 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons), to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Wages and property of deceased seamen may be paid without probate.

114. In cases of wages or effects of deceased seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the public Treasury. If any subsequent claim is made to such money, and established

Disposal of wages or effects of deceased seamen not claimed within one year.

If subsequent claim be made thereto.

to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the High Court of Judicature at Fort William, Madras, or Bombay, as the case may be, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just: Provided that, after the expiration of

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six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the Local Government.

PART X.—Of the Provisions, Health, and Accommodation of Seamen.

115. Any three or more of the crew of any ship registered at, trading with, or being at any port or place in British India,

Survey of provisions and water on complaint made.

may complain to any Shipping Master or other Officer duly appointed in this behalf by the Local Government that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity. Such Officer may thereupon examine the said provisions or water or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred Rupees. Upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

116. If the Officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Forfeiture for frivolous complaint.

117. In the following cases (that is to say),—

(1)—If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for, is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seamen wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct, either on board or on shore):

(2)—If it is shewn that any of such provisions are or have during the voyage been bad in quality and unfit for use.

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say),—

(1)—If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or Native seaman:

(2)—If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or Native seaman:

(3.) In respect of such bad quality as aforesaid a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or Native seaman.

But if it shewn to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Illustration.—Owing to the unexpected length of a voyage, the crew of a vessel are put on short allowance. They are entitled to compensation under this section.

118. All foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons, shall have always on board

a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea-voyages, according to such scale as shall be from time to time issued by the Local Government with the approval of the Governor General of India in Council, and published in Calcutta, Madras, and Bombay in the *Gazettes*, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees: Provided, however, that

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this section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act, 1854. Nothing herein contained shall interfere with a seaman's right to maintain a suit in respect of a special damage resulting to him from the breach of the duty imposed by this section.

119. Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding one hundred Rupees.

120. Whenever the master or any seaman of any ship registered at any place in British India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical

Expense of medical attendance and subsistence in case of illness, how to be defrayed.

and medical advice and attendance with medicines and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman; and if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies forming part of the revenues of British India, shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

121. A place or places of shelter shall be provided below a well-caulked and substantial deck for the men engaged under this Act. Such place or places shall be so arranged as to allow for the men the following spaces:—

(1.) For each European seaman or apprentice, other person shipped on the same footing as an European seaman, nine superficial feet if the place be not less than six feet in height from deck to deck, or fifty-four cubic feet if the height from deck to deck be less than six feet.

(2.) For each lascar or Native seaman, or other person shipped on the same footing as a lascar, four superficial feet, and if the place allotted be under the top-gallant fore-castle, such fore-castle deck shall be not less than four feet six inches above the one below it.

Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage. If any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred Rupees. If any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred Rupees.

122. The Shipping Master at any port in British India, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port, and inspect the provisions and water provided for the use of the crew, and the medicines and appliances and the accommodation for seamen prescribed by this Act or by the Merchant Shipping Act, 1854. If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section 115, and the penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

PART XI.—Of Complaints by Seamen.

123. If any seamen or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding one hundred Rupees.

PART XII.—Of Protection of Seamen from Imposition.

124. No wages due or accruing to any seaman or apprentice shall be subject to attachment from any Court. Every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages of any incumbrance thereon. No assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same. No power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

125. No debt exceeding in amount three Rupees incurred by any seaman after he has engaged to serve shall be recoverable until the service agreed for is concluded.

126. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred Rupees.

127. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees. Any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

128. Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred Rupees. The master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by

him taken before a Magistrate to be dealt with according to the provisions of this Act.

129. If, within twenty-four hours after the arrival of any ship at any port in British India, any person then being on board such ships solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty Rupees.

PART XIII.—Of Discipline.

130. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in British India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labor, for a term not exceeding two years.

Explanation.—To sustain a charge under this section, it is not necessary that the act done or omitted should be followed by actual loss, destruction, or damage of the ship.

131. Any Court having Admiralty jurisdiction in British India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

132. Every Court having Admiralty jurisdiction in British India, and the principal Court of Ordinary Criminal Jurisdiction as every Port in British India where there is no Court having Admiralty jurisdiction, may, upon application by the Advocate-General of the Presidency in which such Court is situate, or by any of the applicants mentioned in Section 131, investigate and try charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who shall have obtained his certificate from the Board of Trade, or from any Local Government, and make

enquiry as to shipwreck or other casualties affecting ships, wherever such shipwreck or casualties may have occurred. If on such investigation it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such master, mate, or engineer, or that any such master, mate, or engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend, for such period as it shall think fit, or may cancel such certificate, whether of competency or service, of such master, mate, or engineer, and the Court shall report the same to the Local Government within whose limits such Court is situated: Provided that no certificate shall be cancelled or suspended, unless a copy of the report, or a statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation: Provided also that the report of such Court is confirmed by the Local Government last aforesaid.

133. Every Court by which any investigation or trial is held under Section 132, shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall, in cases where the certificate has been granted by the Board of Trade, send a full report upon the case with the evidence to the Board of Trade; and shall also, if they determine to cancel or suspend any such certificate, forward the same to the Board of Trade with their report. In cases where the certificate has been granted by any Local Government, the Court shall send a full report upon the case with the evidence to such Local Government; and shall also, if they determine to cancel or suspend any such certificate, forward the same with their report to the same Local Government.

134. If the Local Government, on the information of any Shipping Master, or on any other ground has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, or from any other Local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the Local Government which ordered the investigation.

135. For the purpose of any such enquiry under Section 132 or Section 134, the Court, Board, or Officer may summon the master, mate, or engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem

Penalty for solicitations by lodging house-keepers.

Penalty for misconduct endangering ship or life or limb.

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Procedure of such Court.

Admiralty Court in British India may in certain cases remove master and appoint a new master.

Local Government may direct investigation in cases of incompetency and misconduct.

Court authorized to make enquiry into charges against masters, mates, and engineers, and to report to Local Government.

Powers of Court, &c., in making enquiry.

just. Every order in respect of costs under this section may be enforced in like manner as a fine may be enforced by a Magistrate in the port where such investigation is held.

136. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, under Act No. I. of 1859, or this Act, to any master or mate, in the following cases (that is to say),—

(1)—If upon any investigation conducted under the provisions of Sections 43, 44, and 45, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss or life, has been caused by his wrongful act or default :

(2)—If upon any investigation held under Section 134, the master or mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny :

(3)—If upon any investigation held under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such lastmentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government, of such possession :

(4)—If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or any other law for the time being in force :

(5)—If he is shown to have been convicted of any offence.

137. Every master, mate, or engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the Local Government which cancelled or suspended the certificate shall direct, and in default shall, for each offence, incur a penalty not exceeding five hundred Rupees. Provided that if the Local Government which cancels or suspends a certificate of a master or mate is not the Local Government that granted the same, the Local Government which so cancels or suspends the certificate shall report the pro-

ceedings, and the fact of cancellation or suspension, to the Local Government which granted such certificate: Provided also, that it shall be competent to any Local Government at any subsequent time to grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

138. Nothing contained in Sections 132 to 137 both inclusive, shall be held to affect the powers of removal vested by Section 240 of the Merchant Shipping Act, 1854, or Section 131 of this Act, in Courts having Admiralty jurisdiction in British India. The said powers may be exercised by the principal Court of Ordinary Criminal Jurisdiction at any port in British India where there is no Court having Admiralty jurisdiction, if the master or mate shall have received his certificate from any Local Government.

139. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say),—

(1)—For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place at any port or place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him :

Explanation.—"Desertion," as here used, means abandoning the ship without the intention of returning, and without just cause :

(2)—For neglecting or refusing, without reasonable cause, to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute :

Local Government may cancel or suspend certificates in certain cases.

Loss, abandonment, or serious damage by default of master or mate.

Incompetency, gross misconduct, drunkenness, or tyranny of master or mate.

Or after other investigations.

Supersession.

Conviction of any offence.

Master, mate, or engineer to deliver up his certificate. Penalty otherwise.

Report to other Local Governments.

Saving of powers vested in certain Admiralty Courts.

Same powers may be exercised by Chief Criminal Court in British Indian Port, where there is no Admiralty Court.

Offences of seamen and apprentices, and their punishments.

Desertion.

Neglecting or refusing to join, or to go to sea; absence within twenty-four hours before sailing, and absence without leave.

(3)—For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

(4)—For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

(5)—For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

(6)—For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

(7)—For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

(8)—For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

(9)—For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

140. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit. A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply

(if any) made by the offender shall likewise be entered and signed in manner aforesaid. In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

141. Every sea-faring person whom the master of any ship is, under the authority of this Act or any Law, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline to which he would be subject if he were a member of the crew and had signed the agreement.

142. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of Police Officers who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary; or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board. If any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made shall incur a penalty not exceeding two hundred Rupees; but such penalty, if inflicted, shall be a bar to any suit for false imprisonment in respect of such apprehension.

143. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be

Quitting without leave before ship is secured.

Act of disobedience.

Continued disobedience.

Assault on Officers.

Combining to disobey.

Wilful damage and embezzlement.

Act of smuggling, causing loss to owner.

Seamen whom masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.

Master or owner may apprehend deserters without warrant.

Deserters may be sent on board in lieu of being imprisoned.

deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

144. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

145. In all cases of desertion from any ship registered at a port or place in British India while such ship is at any place out of British India, the master shall produce the entry of such desertion in the official log-book to the person or persons required by the Merchant Shipping Act, 1854, to endorse on the agreement a certificate of such desertion. Such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion. The master shall forthwith transmit such copies to the Shipping Master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding. Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

146. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to shew that such seaman or apprentice was duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place in British India, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book. Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise shew to the satisfaction of the Court, that he had sufficient reasons for leaving his ship.

Explanation.—By desertion the wages for the whole voyage which was not completed at the time of the desertion are forfeited, but not the wages for any other completed voyage.

147. Whenever in any proceeding relating to seamen's wages it is shewn that any seaman or apprentice has in the course of the voyage been

Seamen, imprisoned for desertion or breach of discipline, may be sent on board before termination of sentence.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

Facilities for proving desertion so far as concerns forfeiture of wages.

Costs of procuring imprisonment may, to the extent of 20 Rupees, be deducted from wages.

convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

148. Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage. If the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

149. All clothes, effects, wages, and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned, subsequently to the desertion, be recovered by such master, or by the owner, or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the public Treasury and carried to the account of Government. In all other cases on forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

150. Any question concerning the forfeiture of wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

151. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees. Such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expense (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

152. Whenever any seaman commits an act of misconduct for which his agreement imports a fine, and which it is intended to punish by

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

Application of forfeitures.

Questions of forfeitures may be decided in suits for wages.

Penalty for false statement as to last ship or name.

Fines to be deducted from wages, and paid to Shipping Master.

enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Act. Such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in British India, and the offence, and other entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master. If before the final discharge of the crew in British India, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged at any place not in British India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person. On the return of the ship to British India, the master or owner shall pay over such fine, in the case of foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master at or nearest to the place at which the crew is discharged. If any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid, shall be otherwise punished under the provisions of this Act.

153. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred Rupees. Every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred Rupees.

154. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred Rupees, or be liable to imprisonment,

with or without hard labor, for any period not exceeding four weeks.

155. If during the progress of a voyage the master of any ship registered at any port or place in British India is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default incur a penalty not exceeding one thousand Rupees. Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

PART XIV.—OF PASSENGERS BY SEA.

Chapter I.—Of Native Passengers between India and the Red Sea or Persian Gulf.

156. Every vessel carrying more than thirty passengers being Natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within British India to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within British India from any port or place in the Red Sea or Persian Gulf having on board more than thirty such passengers, shall be deemed a Native Passenger ship within the meaning of this Chapter.

157. No Native Passenger ship shall depart or proceed upon any voyage to which this Chapter extends from any port or place within British India other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

158. No Native Passenger ship shall depart or proceed upon any such voyage from any port or place appointed under this Chapter until the master shall have obtained a certificate from an Officer authorized to grant the same.

159. If any Native Passenger ship departs or proceeds upon a voyage from any port or place within British India, or if any person is received as a passenger on board a Native Passenger ship in contravention of the provisions of the last two preceding Sections, the owner or master shall be liable to a penalty not exceeding one hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Chapter have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section 201.

160. The Local Government shall appoint such persons as it may deem proper to exercise and per-

On change of masters, documents hereby required to be handed over to successor.

What shall be deemed a "Native Passenger ship" within the meaning of Sections 156 to 174.

Native Passenger ship to sail only from ports appointed by Local Government.

Not to sail without obtaining a certificate.

Penalty for breach of provisions in Sections 157, 158.

Penalty for enticing to desert and harbouring deserters.

Penalty for obtaining passage surreptitiously.

Appointment of Officers.

form the powers and duties conferred and imposed by this Chapter.

161. The master of any Native Passenger ship sailing from any port or place appointed under Section 157 shall give notice to the proper Officer that the ship is to carry Native passengers, and of her destination, and of the proposed day of sailing. Such notice shall be given not less than three days before the proposed day of sailing.

Master to give notice of day of sailing, &c.

162. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein. Any person impeding or refusing to allow such inspection shall be liable, on conviction, to a penalty not exceeding five hundred Rupees for each offence.

Power to enter and inspect ship.

163. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.

Ship may be surveyed.

Officer to be satisfied before giving certificate.

satisfied—

(1)—That the ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the ship is sea-worthy.

(2)—That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space between-decks for passengers is sufficient.

(3)—That a space of four superficial feet per adult is left clear on the upper-deck for the use of the passengers:

That the space on the upper deck is sufficient.

(4)—That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

That there is a due supply of provisions.

165. No such ship shall carry any greater number of passengers than, together with the master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the ship.

Number of passengers.

166. The master of any such ship, before departing or proceeding on any such voyage from any port or place within British India shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the master one of such lists. The master shall note in writing

on such last-mentioned list, and on any additional list to be made under Section 167, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port in the said territories at which it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Chapter at any port or place within British India at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this Section on the part of the master, or if any false entry be wilfully made in any such list, the master shall be liable to a penalty not exceeding five hundred Rupees for each offence.

167. If, after the ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place within British India appointed under this Chapter for the embarkation of passengers, or if such ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of British India, the master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate to be given, or any list to be made under this Section.

Ship taking additional passengers and touching at intermediate port.

168. If any master of a ship, after having obtained a certificate under Section 158 or Section 167, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding two thousand Rupees.

Penalty for fraudulent alteration in ship after certificate obtained.

169. The Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within British India at which the ship shall touch or arrive, shall, with advertence to the requirements of this Chapter, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at the port from which the ship commenced her voyage, and also to the Officer at any other port in British India where the passengers or any of them embarked.

Information to be transmitted to ports of embarkation.

170. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be a report of such particulars as are referred to in the last preceding Section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the

Report of Consul, &c., to be admissible in evidence.

place where the proceeding under this Chapter is had.

171. It shall be lawful for the Local Government, by any proclamation to be from time to time issued for that purpose and published in the *Gazette* or in one of the public newspapers to declare what shall be deemed, for the purposes of this Chapter, the duration of the voyage of any Native Passenger ship from any port or place to any other port or place.

172. Every Native Passenger ship, at the time of departure from the port or place at which passengers shall be embarked under this Chapter, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount, or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks; and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always that, when any such ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Chapter. The provision of this Section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

173. The requirements of this Chapter respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

174. If any ship bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place in British India shall have on board a greater number of passengers or persons than in the proportion prescribed by this Chapter, the master of such ship shall, in addition to any other penalty which he may have incurred under the provisions of this Chapter, be liable, on conviction, to a penalty not exceeding fifty Rupees for each person in excess of such proportion.

175. Nothing contained in Sections 156 to 174, both inclusive, shall apply to any ship under contract with the Government of any European State, or to any sea-going steam-vessel regularly employed in the conveyance of the public mails under a contract.

Length of voyage to be fixed by proclamation.

Quantity of provisions and water to be shipped.

Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

Sections 156 to 174 not to apply to ships under contract with European States, or to mail steamers.

Chapter 2.—Of Native Passengers in the Bay of Bengal.

176. No vessels shall carry Native passengers from any port or place under the Presidency of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon; or from any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such vessel without a license.

177. No vessels shall be licensed to carry passengers on any such voyage as is specified in Section 176, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper-deck and the lower-deck or platform: Except a vessel proceeding in ballast from any part of the coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger: And except a vessel carrying Native passengers between Chittagong and any port or place on the coast of Arracan which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

178. The master or tindal of any vessel which shall carry Native passengers on any such voyage as is specified in Section 176, without a license, in a proportion exceeding that laid down in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such proportion.

179. The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Number of Native passengers to be carried in unlicensed vessels.

Number of Native passengers to be carried in licensed vessels.

First exception.

Second exception.

Penalty on master of unlicensed vessel.

Penalty on master of licensed vessel.

180. Passengers in a greater number than one

Government to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden.

passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa,

for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca for the said territories or Province, or for Chittagong, except from such ports as shall be from time to time appointed by the Local Government by an order published in the *Gazette*; and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is mentioned in Section 176 shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

181. It shall be at the discretion of the Col-

Grant of licenses to vessels.

lectors of Sea Customs for the ports appointed for shipping Native passengers, or

such other persons as the Local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Chapter: Provided that such licenses shall not be granted, except for vessels within the exceptions in Section 177, till the vessels have been surveyed according to such directions as shall be given from time to time by the Local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the master or tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation.

182. The master or tindal of any vessel licensed

Certain licensed passenger vessels to carry provisions according to appointed scale.

to carry passengers from any port in the territories under the Government of Fort St. George, or from

Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the Local Government published in the *Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

183. The master or tindal of any vessel licensed

Penalty for omitting to supply passengers with prescribed allowance of food and water.

to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every

passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

184. The master or tindal of any vessel licensed

Supply of provisions on board passenger ships plying to and from Ceylon.

to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong, and any port or place on the coast of Arracan,

who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Local Government may from time to time appoint for the purpose, and to be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

185. The master or tindal of any vessel licensed

List of passengers to be signed by master.

to carry passengers as hereinbefore provided shall sign and deliver in duplicate

to the principal Officer of Customs at the place of embarkation, or such other person as the Local Government may from time to time appoint for the purpose, a list, according to the form in the third schedule to this Act, of all passengers to be conveyed in such vessel. Such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper Officer at the port to which the vessel is bound. Should any additional passengers engage to

Additional passengers.

proceed by such vessel after such list has been so countersigned, the master or tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port-Clearance till this rule is complied with.

186. If any vessel bringing Native passengers

Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European Settlement in excess of authorized proportion.

into any port or place whatsoever on the eastern coast of the Bay of Bengal, from any foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St.

George, shall have on board a greater number of passengers than in the proportion prescribed in Section 176, the master or tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion, unless the vessel shall have been licensed under Section 181, and shall have complied with the stipulations as regards space, water, and provisions laid down in Section 177.

187. The principal Officer in charge of the

Penalty for impeding entry or inspection.

Customs at the port of embarkation or of destination, or any person authorized by

him, shall be at liberty at all times to enter and inspect any passenger-vessel to which the provisions of this Chapter apply, and the fittings, provisions, and stores in such vessel; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

188. If any Native passenger in any ship upon

Penalty on landing passenger at a place other than that at which he has contracted to land.

any voyage under Chapters 1, 3 and 4 of this Part shall be landed at any port or place other than the port or

place at which he may have contracted to land.

unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

189. Nothing in Chapters 1, 2 and 4 of this Part shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the ship or his agent.

Chapter 3.—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. The provisions contained in Sections 191, 192, 193, apply to the carriage of passengers upon the following voyages:—

Voyages from the ports of Calcutta, Madras, and Bombay, under Act No. XIII. of 1864 (to consolidate and amend the laws relating to the emigration of Native laborers), to the Mauritius, Jamaica, British Guiana, Trinidad, Saint Lucia, and Grenada.

Voyages from ports in British India, under Part XIV, Chapter 1, to ports in the Red Sea or Persian Gulf.

191. If the passengers on any such voyage, as is specified in Section 190,

Governors or Consuls may pay expenses of passengers taken off a passenger ship.

shall be taken off from the ship carrying such passengers, or should be picked up at sea from any boat, raft or

otherwise, it shall be lawful, if the port or place to which they shall be conveyed, shall be in any of Her Majesty's Colonial Possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any foreign country for Her Majesty's Consular Officers at such port or place therein, to defray all or any part of the expenses thereby incurred.

192. If any passenger of any such passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any colonial or

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

foreign port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such foreign port or place as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passengers to his original destination, and unless such master shall accordingly forward, or carry him on within that period.

193. All expenses incurred under the last

Expenses incurred under the two preceding Sections, to be a Crown debt.

two preceding Sections, or either of them, by or by the authority of such Governor or Consular Officer as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer, and master of

such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing, or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided, nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship or any of them, from or on account of the whole number of passengers who may have embarked in such ship

Passengers forwarded by Governor, &c., not entitled to compensation.

which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provision of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Chapter 4.—Of Coasting Passenger Steamers.

194. Steam-vessels which may be intended to carry passengers on coasting voyages from or to any port or place in British India, shall before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

195. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the Local Government, and shall remain in force for the period therein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the master or owner, and upon payment of a fee not exceeding twenty Rupees), that such steam-vessel is seaworthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the vessel is to ply, and the number of Native passengers which the vessel is permitted to carry; such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

196. The owner or master of any such steam-vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall for each offence be liable to a fine not exceeding two hundred Rupees.

Copy of certificate to be placed in conspicuous part of steamer.

197. If any such steam-vessel has on board thereof a number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall be liable to a fine not exceeding twenty Rupees for every passenger over and above the number allowed by the certificate.

198. If any such steam-vessel shall proceed on any such voyage without such certificate as aforesaid, the owner or master shall be liable to a fine not exceeding five hundred Rupees.

199. In the grant or revocation of any certificate whatsoever under Chapters 1 and 4 of this Part, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

PART XV.—Of Procedure.

200. Whenever, in the course of any legal proceedings instituted at any port or place in British India before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of British India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition: and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner there- by certified.

Proviso.

201. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII. of 1856, relating to the adjudication of fines and penalties, and the enforcing payment thereof, shall apply to penalties imposed under this Act in the towns of Calcutta, Madras, and Bombay.

202. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seamen's wages, penalties, or other sums of money, than if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

203. For the purpose of the adjudication of penalties under Chapters 1, 2 and 4 of Part XIV., any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

204. The penalties to which masters and owners of ships are liable by Chapters 1, 2 and 4 of Part XIV., shall be enforced only by information laid at the instance of the Officers appointed to grant certificates under this Act, or at any port or place where there is no such Officer, by the Chief Officer of Customs.

205. Any Magistrate imposing any penalties under Chapters 1, 2 and 4 of Part XIV., may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

FIRST SCHEDULE.

NUMBER OF ACT.	TITLE OF ACT.
X. of 1841 ...	An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Vic., Chap. 56.
XI. of 1850 ...	An Act to amend Act X. of 1841.
XXI. of 1858 ...	An Act for the regulation of Native Passenger ships and of steam-vessels intended to convey passengers on coasting voyages.

NUMBER OF ACT.	TITLE OF ACT.
I. of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.
XXV. of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
II. of 1860 ..	An Act to amend the law relating to the carriage of passengers by sea.
XV. of 1863 ..	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen.)

SECOND SCHEDULE.

TABLE A. (See Section 50.)

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews—

	Rs.	A.	P.
In Ships under 100 Tons ...	3	0	0
From 100 to 200 „ ..	7	0	0
200 to 300 „ ..	10	0	0
300 to 400 „ ..	12	8	0
400 to 500 „ ..	15	0	0
500 to 600 „ ..	17	8	0
600 to 700 „ ..	20	0	0
700 to 800 „ ..	22	8	0
800 to 900 „ ..	25	0	0
900 to 1,000 „ ..	27	8	0
above 1,000 „ ..	30	0	0

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. (See Section 51.)

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward ...	0	12	0
From wages of all others, except apprentices ...	0	8	0
2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge ...	0	8	0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of Master.	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure.

(Signed) _____,
Master.

(Countersigned) _____,
Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV. of 1863, the latest Indian Act relating to Merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting Merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV. of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and

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embodies the enactments of Acts No. X. of 1841 and No. XI. of 1850. To this have been added clauses corresponding with Section 8 of the Evidence Act (No. XV. of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III. relates to official logs, and corresponds with Sections 103—110 of Act No. I. of 1859 (*for the amendment of the law relating to Merchant seamen*).

Part IV. relates to enquiries as to wrecks, and corresponds with Sections 100—102 of Act I. of 1859. These provisions have, however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A Section corresponding with Section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the Consular Officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I of 1859, Sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with Sections 9 to 16 of Act I. of 1859, as limited by Act XV. of 1863, Section 2.

Part VII of the engagement of seamen, is Act I. of 1859, Sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I. of 1859, Sections 36—58. A few amendments have been made in this part suggested by Section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding Sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I. of 1859, Sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with Sections 64—71 of Act I. of 1859, contains clauses relating to the provisions, health, and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embodying certain decisions of the English Courts on the corresponding Sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a Magistrate against the master or any of the crew, and is identical with Section 72 of Act I. of 1859.

Part XII contains the provisions comprised in Sections 73—78 of Act I. of 1859, for the protection of seamen from imposition.

Part XIII of discipline, contains with the improvements above mentioned, the provisions relating to charges against masters and mates comprised in Sections 4—10 of Act XV. of 1863, and also the enactments as to discipline contained in Sections 79, 80, 83 to 99 of Act I. of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI. of 1858, XXV. of 1859, and II. of 1860, relating to passengers by sea. The provisions as to coasting steamers made by Sections 20—26 of Act XXI. of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds

with Sections 112 and 113 of Act I. of 1859, Sections 30, 31 and 32 of Act XXI. of 1858, and Sections 16 and 17 of Act XXV of 1859.

As it is not probable that this Bill will become law before the time when the Straits' Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, } H. S. MAINE.
The 25th September 1866. }

WHITLEY STOKES,

*Asstt. Secy. to the Govt. of India,
Home Dept., Legislative.*

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

No. 2423.

APPOINTMENTS.

The 12th October 1866.—The Reverend James Henry Broadbent, B. A., Calcutta, is licensed, under Section 47, Part V., Act V. of 1865, to grant Certificates of Marriage between Native Christians being Converts from any religion in India.

The 13th October 1866.—The Reverend Isaac Allen, Dacca, is licensed to solemnize marriages under Clause 1, Section 6, Act V. of 1865, and is authorized, under Section 47, Part V. of the Act, to grant Certificates of Marriage between Native Christians being Converts from any religion in India.

The 31st October 1866.—Mr. E. E. Lewis to officiate as Magistrate and Collector of Furreedpore, with effect from the 13th instant.

The 1st November 1866.—Lieutenant H. J. Peet, Officiating Assistant Commissioner in Assam, is posted to the Cossyah and Jynteah Hills.

The 2nd November 1866.—Dr. S. J. Lynch, Superintendent of the Presidency Jail, to officiate as Superintendent of the Alipore Jail, and to perform the duties of the Deputy-Inspector General of Jails, Lower Provinces, in addition to the duties of his own office, during the absence of Dr. J. Fawcus, on his tour of inspection as Officiating Inspector-General of Jails, Lower Provinces, or until further orders.

The Reverend T. C. Smyth, n. n., to officiate as Chaplain of St. John's Church, Calcutta.

Sub-Assistant Surgeon Shumboo Chunder Goopto to have charge of the Charitable Dispensary at Burrisaul.

The following gentlemen to be Members of the Local Committee of Public Instruction at Pooree, viz. :—

Mr. G. M. Currie.
" J. H. Thompson.
Baboo Doorjodhun Dass.

The following gentlemen to be Members of the Local Committee for the management of the Charitable Dispensary at Bograh, viz. :—

Mr. J. Lambert.
" H. G. Wilkins.
" H. N. Harris.
" J. D. F. Harvey.
Moulvie Musseetoolah.

The 3rd November 1866.—Mr. J. P. Kennedy, B. A., to be Assistant Secretary to the Government of Bengal in the Legislative Department.

Syud Velaet Ali Khan to be a Visitor of the Lunatic Asylum at Patna, under Section 2, Act XXXVI. of 1858.

In supersession of the orders of the 13th ultimo, Baboo Lall Madhub Mookerjee, a Licentiate of Medicine, Calcutta University, is appointed to have charge of the temporary Pauper Hospital at Chitpore, instead of Baboo Oghorenath Mookerjee, as notified in the *Calcutta Gazette* of the 17th October 1866.

Mr. H. Berners to be a Member of the Central Committee for the Collection of Works of Art and Industry for the Paris Exhibition of 1867.

Captain A. E. Campbell to officiate as Deputy Commissioner of Gawalparah, with effect from the 9th ultimo.

Mr. H. S. Beadon, Assistant Magistrate and Deputy Collector of Kooshreah, is vested with the powers of a Magistrate in Nuddea.

Mr. R. L. Martin, M. A., to be Inspector of Schools, South-West Division.

Mr. C. B. Clarke, M. A., is promoted to the Second Grade of the Bengal Educational Service, and is appointed to be Inspector of Schools, South-East Division.

LEAVE OF ABSENCE.

The 2nd November 1866.—Lieutenant Colonel J. S. Davies, Judicial Commissioner of Chota Nagpore, for three months, under Section 6 of the Covenanted Service Absentee Rules, from the 1st proximo, or any other date on which he may avail himself of the leave.

The 5th November 1866.—Mr. H. Bell is allowed preparatory leave for ten days to enable him to rejoin his appointment as Judge of the Principal Court of Small Causes in Jessore.

Mr. R. H. Wilson, Officiating Joint-Magistrate and Deputy Collector of Chittagong, for one month, under Section 6 of the Covenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

Mr. J. C. Geddes, Officiating Deputy Commissioner, Eastern Doars of Bootan, for one month, under Section 6 of the Covenanted Service Absentee Rules, from the 22nd ultimo, the date on which he made over charge of his duties to Captain A. E. Campbell, Officiating Deputy Commissioner of Gawalparah.

Baboo Purnanund Surma Burroah, Extra Assistant Commissioner, Gawalparah, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules.

NOTIFICATIONS.

The 1st November 1866.—Mr. R. S. O'Connor, District Superintendent of Police, having reported his return by the Steamer *Golconda*, which reached the Sandheads on the 29th ultimo, the unexpired portion of the leave granted to him under orders of the 19th April last is cancelled.

The 2nd November 1866.—Mr. T. Weldon, District Superintendent of Police, Nowgong, having reported his return by the Steamer *Golconda*, which reached the Sandheads on the 29th ultimo, the unexpired portion of the leave granted to him by the Right Hon'ble the Secretary of State for India is cancelled.

The 5th November 1866.—Mr. H. Bell, c. s., having reported his return by the Steamer *Golconda*, which reached the Sandheads on the 29th ultimo, the unexpired portion of the leave granted to him by the Right Hon'ble the Secretary of State for India is cancelled.

The leave granted to Mr. F. Grant, Assistant Commissioner, Western Doars of Bootan, under orders of the 28th September last, will have effect from the 29th ultimo, instead of from the 1st idem, as notified in the *Calcutta Gazette* of 3rd October 1866.

ERRATUM.

In the orders of the 27th August last, published in the *Calcutta Gazette* of the 29th idem, for "Third Grade Sub-Assistant Surgeon Omesh Chander Mitter," &c., read "Paboo Omesh Chander Mitter, a Licentiate of the Calcutta University," &c.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information:—

No. 5698.—*Simla, the 23rd October 1866.*—The leave of absence on furlough granted to Mr. M. Brodhurst, of the Civil Service, on the 15th April 1865, is extended from two to three years.

No. 5769.—*The 25th October 1866.*—The Governor General in Council is pleased to permit Mr. W. C. Eades to resign the Civil Service, with effect from the 14th July 1866.

No. 5853.—*The 27th October 1866.*—The Governor General in Council is pleased to promote the following Junior Chaplains to be Senior Chaplains from the dates specified:—

The Reverend G. Lovely, from the 3rd September last, vice the Reverend Dr. H. Smith, retired.

The following Orders issued by the Government of India, in the Military Department, are re-published for general information:—

No. 881.—*Simla, the 23rd October 1866.*—The following promotions are made, from the date specified, under the provisions of the Right Hon'ble the Secretary of State's Despatch published in G. G. O. No. 898 of 26th September 1866, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Majors.

Captain (Brevet Major) Danvers Henry Osborn	...	...	...
Captain (Brevet Major) Hangerford	...	...	...
Almer Buddam	...	...	...
Captain (Brevet Major) William Robert Gordon	...	...	...

12th September 1866.

To be Captains.

Lieutenant (Brevet Captain) Willoughby Charles Stanley Clarke
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12th September 1866.

No. 903.—*The 29th October 1866.*—With reference to Government General Order No. 403 of the 17th April 1865, and to previous orders on the same subject, the Governor General in Council is pleased to notify that the indulgence of privilege leave for sixty days consecutively now granted to Officers generally will be specially extended to ninety days in the case of Officers serving at the Stations marginally named:

Gowhattee ... } In Assam.
Dibrugghur ... }
Cherra Pooajee or Shillong }
Thyapoo ... } In British Burmah.
Tonghoo ... }
Bannoo ... }
Dera Ishmael Khan ... } North-Western Frontier.
Dera Guzoo Khan ... }
Rajapoor ... }
Jacobabad ... } In Upper Sindh.
Aden ... }

The following Order issued by the Government of North-Western Provinces, in the General Department, is re-published for general information:—

No. 3382A.—Allahabad, the 19th October 1866.—The services of Sub-Assistant Surgeon Shumboo Chunder Gooptoo, in charge of the Dispensary at Cawnpore, are placed at the disposal of the Government of Bengal.

The following Order issued by the Government of Punjab, in the General Department, is re-published for general information:—

No. 2160.—The 23rd October 1866.—Transfer.—The services of the Reverend T. C. Smyth, D. D., Chaplain of Simla, are placed at the disposal of the Government of Bengal, with effect from the 1st of November 1866.

DECLARATION UNDER SECTION 2, ACT VI. OF 1857.

Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz., for the new Police Station at Oolooberiah, in the District of Howrah, it is hereby declared that, for the above purpose, a plot of land is required at Oolooberiah, measuring 1 beegah and 5 cottahs, more or less, and bounded on the East by public road; on the North by part of a Doba belonging to Dhoniram Bej and by a house belonging to Modhoosudun Doss; on the West by lands belonging to Behare Lall Paul and Kidoykishen Ghose, and on the South by a tank belonging to Raja Bejoykeshab Rae.

2. This Declaration is made, under the provisions of Act VI. of 1857, to all whom it may concern.

A. EDEN,

Secy. to the Govt. of Bengal.

Public Works Department, — Bengal.

AGRICULTURAL.

No. 253.

The 18th October 1866.

The following draft Rules having reference to the Kendrapara Canal and the First Section of the "High Level Canal" from Cuttack to Ooloo-barriah, are hereby published under the provisions of Section XI. of the "Canals" Act, 1864." (No. V., B. L. C.):—

I. Every vessel on entering either of the above Canals shall be liable to measurement for the purpose of ascertaining the amount of toll the vessel should pay, according to the schedule of rates authorized by Government to be charged on the Canal.

II. The tonnage of every vessel, whether laden or empty, shall, for the purposes of the "Canals" Act, 1864," and of these Rules, be determined by the following measurements:—

(a.) The product of half the length of the vessel from stem to stern measured along the water line, multiplied by the interior greatest breadth of the vessel, multiplied by the depth from the water line to the bottom of the vessel, is to be taken as the number of maunds upon which toll shall be levied.

(b.) The measurement of the length is to be made in feet, rejecting inches, and the measurement of the breadth and depth in feet and quarters

of feet, rejecting portions of less than a quarter of a foot.

(c.) In calculating the amount of toll to be levied on vessels exceeding 100 maunds tonnage, any fraction of 100 maunds less than 25 maunds is to be omitted; exceeding 25 and not exceeding 50 maunds, is to be charged as 25 maunds only; exceeding 50 and not exceeding 75 maunds to be charged as 50 maunds only; and exceeding 75 maunds, as 75 maunds only. Above one thousand maunds no fraction of 100 maunds tonnage is to be charged. Toll will be charged on vessels under 100 maunds tonnage on the actual measurements of the vessels, omitting fractions of tens of maunds.

III. Every vessel entering either of the above Canals shall be furnished with a ticket on paying the prescribed toll. The ticket shall specify the station at which it has been issued, the name of the person in charge of the vessel, the date the vessel entered the Canal, the point to which it may proceed in the Canal, the maundage of the vessel, the amount of toll charged, and the number of days for which the vessel may remain in the Canal, and the date of such last day. The number of days which the vessel may remain in the Canal without additional payment, shall be calculated at the rate of one day for every 8 miles, for portion of 8 miles, to be traversed.

IV. Toll may be paid at the first station either for the entire number of Toll Stations on the line of navigation, or for any less number of stations.

V. The tickets thus given may be demanded for inspection by any duly authorized Canal Officer, and must be kept on board and at hand for the purpose. They must be shewn at each Toll Station the vessel has to pass, as a passport that no further payment of toll is to be demanded. The tickets shall be delivered up at the last Toll Station.

VI. Owners of vessels may compound by the payment of a fixed sum, for the use of the whole or a portion of either of the above Canals for any period that may be agreed upon, not exceeding one year. Each vessel so compounded for shall be furnished with a ticket shewing the amount of toll paid, the period for which the toll has been compounded for, and the limits of the Canal within which the vessel may pass; such ticket shall be kept on board the vessel and shall be produced when required, under Rule V., but shall be given up only on the date of the expiry of the period for which granted, and at the station from whence issued.

VII. Duplicates of lost tickets, of which the numbers and the dates of entry can be satisfactorily established will be granted by Officers in charge of Toll Stations on payment of a fee of one Rupee.

VIII. Vessels remaining in the Canals for a period exceeding that allowed under Rule III. will pay a demurrage of eight annas per 100 maunds per diem for each day or part of a day that they may remain in excess.

IX. No boats above 18 feet beam over all, and no rafts or floats of more than 10 feet width and 150 in length, will be allowed to enter the Canals.

X. It will not be compulsory for the locks to be opened to single vessels of less than 500 maunds burden, except in the case of mail or despatch boats; but the locks shall be opened for the passage of boats at least twice a day.

XI. Vessels must have their masts fitted so that they can be let down with ease and speed, and when under sail, vessels must always keep in the middle of the Canal; when being tracked, vessels are, as far as practicable, to keep to their port or left side of the Canals.

XII. All vessels anchoring at night are to keep to their port or left bank of the Canals.

XIII. Only one vessel shall be allowed to make fast along and in a line with the Canal banks, and no vessel shall be made fast, or be placed outside of vessels so secured, without the permission of a Canal Officer. No vessel shall, however, be placed in such a position as to endanger the safety of other vessels, to obstruct their passage, or to impede the navigation; and no bamboos or poles shall be allowed to be erected on vessels when at anchor. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XIV. Every vessel when put to shall be securely fastened, and shall at all times have some person in attendance on board of it. Any infringement of this rule will be punishable by a fine not exceeding Rupees 5 for each offence.

XV. In every case of wreck or obstruction of the channel by sunken vessels, the Canal Officers may call upon the person in charge of the vessel to remove the same without delay, and shall give every reasonable assistance towards so doing. But should the owner of the vessel or raft be not forthcoming, or should he ^{be} ~~be~~ ^{the} ~~the~~ ^{reasonable} ~~reasonable~~ expedition in removing the ~~or~~ ^{or}, or should he decline or fail to use proper ~~use~~ ^{use} which may be offered to him by the Canal Officers, these Officers may undertake the removal of the obstruction themselves at the cost of the owner of the boat, recovering the expense in the manner laid down in Section IX. of the "Canals' Act, 1864."

XVI. If the Canal Officers be unable to ascertain the name and place of business or of abode of the owner of the cargo of any vessel or boat seized under the Canals' Act, he shall notify the seizure in the most public manner available.

XVII. In the event of any damage or injury being occasioned to the Canal works by wilfulness or negligence on the part of any person in charge of a vessel, the Canal Officers may detain the vessel within the Canal for a period not exceeding 24 hours, provided that within that period the Canal Officers shall lodge a complaint against such person in charge of the vessel before a Magistrate under Section XVI. of the Canals' Act.

XVIII. The banks or berms of the Canals shall not be used as wharves for the deposit of goods, under a penalty of 10 Rupees for each offence; but except in special cases, when the permission of the Canal Officers will be necessary, all articles shall be removed to the outer banks of the Canals, and all such articles as shall not be finally removed from within the boundaries of the Canals within a period of six days after being so deposited, shall be liable to a charge of four annas per 100 maunds.

XIX. The Canals may be closed once a year, for effecting the necessary repairs to them, on one month's notice of the intention so to close them; but in the event of any sudden emergency, the Canals may be closed at any time without prior notice, and no claim shall be made in such case by

owners of vessels or others for compensation on account of detention.

XX. All offences against the provisions of these Rules shall be punishable as provided for in Section XVIII. of the "Canals' Act, 1864," and all fines imposed may be recovered in the manner mentioned in Section XVII. of the same Act.

XXI. The term "Canal Officers" in the foregoing Rules shall include the persons alluded to in Section VIII. of the "Canals' Act, 1864," and any other persons who may be specially appointed to exercise such powers by the person appointed to collect the tolls.

ESTABLISHMENTS.

No. 261.

The 25th October 1866.

Posting.—Lieutenant J. M. McNeile, R. E., Executive Engineer, Second Grade, having been relieved from duty under the Municipal Commissioners of the Town of Canning, is temporarily posted to the Presidency Division. Lieutenant McNeile joined the Presidency Division on the 13th October 1866 afternoon.

No. 262.

The 28th October 1866.

Notification.—The following Orders issued by the Government of India, Public Works Department, are re-published for information:—

No. 271 of the 22nd October 1866.—Mr. J. M. Broderick, Accountant, Third Grade, is transferred from British Burma to Bengal.

No. 275 of the 23rd October 1866.—Baboo Joygopal Ruckhit, a passed Student of the Calcutta Civil Engineering College, is brought on the strength of the Engineer Establishment of the Public Works Department as an Engineer Apprentice, and posted to Bengal.

W. B. MACRONE,

Offy. Asst. Secy. to the Govt. of Bengal,

P. W. D.

Public Works, (Railway,) Dept.,—Bengal.

No. 2493G.

Port William, the 1st November 1866.

Notification.—With reference to Public Works Department Notification No. 3, dated 12th October 1866, Lieutenant K. C. Pye, R. E., joined his appointment as Assistant Consulting Engineer and Examiner of Accounts on the forenoon of the 17th October 1866.

By Order of the Lieutenant-Governor of Bengal,

F. S. TAYLOR, Capt., R. E.,

Joint-Secy. to Govt. of Bengal, P. W. D.,

Railway Branch.

[1898]

No. 1426.

Opium Notification.

NOTICE is hereby given that the Eleventh Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Friday, the 9th November 1866, at 11 A. M., and will comprize 3,330 Chests, viz. :—

Behar Opium	...	...	2,000
Benares „	...	...	1,330
Total Chests	...	...	3,330

2. The general Conditions of the Sale now advertised will be the same as usual. They may be ascertained by reference to the Notification issued on the 26th November 1865, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 14th and 24th November respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Wednesday, the 14th November 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 24th November 1866.

4. In addition to the quantity above advertised for sale, the following quantities, more or less, of Behar and Benares Opium of 1864-65, will be brought to sale in the present year on or about the date specified below. The Board, however, reserve to themselves the right of altering this date, should circumstances render it expedient to do so :—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 5th Dec. 1866	2,000	1,370	3,370

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,

Junior Secretary.

FORT WILLIAM,
The 1st October 1866.

No. 1651.

Opium Notification.

NOTICE is hereby given that the Twelfth Sale of Opium, the provision of 1864-65, will be held at the Exchange Hall, on Wednesday, the 5th December 1866, at 11 A. M., and will comprize 3,370 Chests, viz. :—

Behar Opium	...	...	2,000
Benares „	...	...	1,370
Total Chests	...	...	3,370

2. The general Conditions of the Sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 26th October 1865, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest date for deposit and clearance will be the 10th and 20th December, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room will be received after 4 P. M. of Monday, the 10th December 1866, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Thursday, the 20th December 1866.

By Order tickets of Board of Revenue, L. P.,

R. L. MANGLES,

Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1866.

Notice.

A NEW Edition of the Map of DISTRICT NUDDEA, shewing Village boundaries, Scale 1 Mile=1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps, *bona fide* on the Public Service, to be addressed to the Registrar, Surveyor-General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers, and the "School Book Society," Calcutta, at the following rates :—

Uncolored and Unmounted.	On thick paper, the Map complete			
	in 8 Sections with Index	Rs.	8	0
	Or each Section separate	Rs.	2	0
	On thin paper, the Map complete			
	in 8 Sections with Index	Rs.	6	0
	Or each Section separate	Rs.	1	8

N. B.—Parties requiring the Map, Colored and Mounted, must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.*,

Offg. Depy. Surveyor-General of India.

Notification.

MR. DEPUTY COLLECTOR W. R. POGSON has been placed in charge of the Hooghly Treasury, and is authorized to draw Bills on other public Treasuries.

R. P. JENKINS,

Officiating Commissioner.

BURDWAN,
The 1st November 1866.

[1899]

Notice.

CALCUTTA MUNICIPALITY.

THE public are informed that under a Resolution of the Justices of the Peace for the Town of Calcutta, passed at the adjourned Quarterly Meeting hold on the 1st of November 1866, the name of "Cossitollah Street" has been changed to "Bentinck Street."

By Order,
ROBT. TURNBULL,

Secy. to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE; }
1, Chowringhee Road, }
The 6th November 1866. }

Notification.

PURNAH.

BABOO CHUNDERCANT BHUTTACHARJEA to be Money Order Agent, vice BABOO SHARODAPER-SHAUD BANNERJEA.

W. CLARK,
Offg. Accountant-General.

ACCT.-GENL.'S OFFICE; }
Fort William, }
The 31st October 1866. }

Statement shewing the importation of Salt (private property) in Bond and Afloat on River Hooghly, subject to Customs duty on the 16th October 1866.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In. Mds.	In. Mds.	In. Mds.	In. Mds.
Liverpool Pungah ...	1,75,565	2,753	1,35,782	3,14,100
Bombay Kurkutch ...	43,362	66,102	12,995	1,22,460
Aden " ...	3,336	8,100	.....	11,436
Madras " ...	.....	1,58,008	13,728	1,71,736
Ceylon " ...	7,000	.....	.....	7,000
Arabian and Persian } Gulfs Kurkutch and } Muscat Rock ... }	38,348	.....	20,306	58,654
Total ...	2,67,611	2,34,963	1,82,812	6,85,386

By Order of the Board of Revenue,
J. A. CRAWFORD,
Collector of Customs.

Statement shewing the importation of Salt (private property) in Bond and Afloat on River Hooghly, subject to Customs duty on the 1st November 1866.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In. Mds.	In. Mds.	In. Mds.	In. Mds.
Liverpool Pungah ...	1,59,295	2,753	83,001	2,45,049
Bombay Kurkutch ...	43,362	65,202	19,734	1,28,298
Aden " ...	3,336	8,100	.....	11,436
Madras " ...	.....	1,53,458	1,328	1,54,786
Ceylon " ...	7,000	.....	.....	7,000
Arabian and Persian } Gulfs Kurkutch and } Muscat Rock ... }	42,000	.....	1,06,593	1,40,578
Total ...	2,55,950	2,29,513	2,10,645	6,96,108

By Order of the Board of Revenue,
J. P. GRANT,
For Collector of Customs.

Notice.

BABOO MOTHORANATH BANERJEE, Deputy Collector, has been placed in charge of the Rajshahye Treasury, and authorized to draw Bills on other Treasuries.

C. H. CAMPBELL,

Commissioner.

COMM'R.'S OFFICE, RAJ. DIVN.; }
Berhampore, }
The 13th October 1866. }

Notice.

No. 434.

MR. H. C. B. C. RABAN received charge of the Offices of Magistrate and Collector of Pooree from Mr. J. J. Livesay, Officiating Magistrate and Collector, on the 9th October 1866.

T. E. RAVENSHAW,

Offg. Commissioner.

COMM'R.'S OFFICE; }
Cuttack Division, }
The 19th October 1866. }

Notice.

THE Cachar Mela will, as usual, be held at Silchar, commencing on Sunday, the 30th December 1866, corresponding with 16th Poush 1273, and continuing for as many days as considered necessary.

JOHN WARE EDGAR,

Officiating Deputy Commissioner.

CACHAR; }
Depy. Commr.'s Office, }
The 28th September 1866. }

Notice.

THE Effects of the late MR. WARNECKY, alias BARONKY, who died at Darjeeling on the 26th September 1866, are under the Seal of this Court, these or the sale proceeds thereof will be made over to any one duly authorized to receive them.

BLAIR REID, Major,

Deputy Commissioner.

DEPT. COMM'R.'S OFFICE; }
Darjeeling, }
The 1st October 1866. }

[1900]

Monthly Account of Salt on Sale on 30th September 1886.

Dépôts.	1	2	3	
	Pungah.	Kurkutch.	Price per 100 Maunds.	
HIDGELLEE.	Maunds.	Maunds.	Rupees.	
Pungah Salt, Ghaut, Russoolpore ...	1,22,465	.....	} 390	
Ditto, ditto Krissennuggur ...	2,26,448	.....	
Ditto, ditto Ramnuggur ..	1,31,882	.....	
Ditto, ditto Kallinuggur ..	1,86,213	.....	
Ditto, ditto Pooreeghatta ...	33,234	.....	
Total ...	7,00,242	.....	
TEMLOOK.				
Pungah Salt, Ghaut, Narainpore ..	*15,825	.....	390	* Not saleable, reserved to cover loss by Cyclone.
Ditto, ditto Russoolpore ..	47,476	.....	408	
Total ...	63,301	.....	
SULKEA.				
Kurkutch Salt, Madras Permit ..	.....	7,19,849	396	
Ditto, Chilka ..	.....	1,09,082	386	
Ditto, Scinde ..	.....	5,00,000	418	
Mixed Kurkutch Salt ..	.....	2,679		
Pungah Salt, Cuttack ..	75,869	.....	} 421	
Ditto, Balasore ..	1,369	.....	
Ditto, Khordah ..	2,20,974	.....	
Ditto, Chilka ..	61,480	.....	
Ditto, Ramnuggur ..	47,182	.....	
Ditto, Pooreeghatta ..	1,16,587	.....	
Ditto, Krissennuggur ..	14,961	.....	
Ditto, Narainpore ..	87,012	.....	
Total ...	6,25,464	13,31,610		
GHOOSERY.				
Pungah Salt, Ghaut, Kallinuggur ..	99,363	.....	} 421	
Ditto, ditto Russoolpore ...	48,593	.....	
Mixed Ditto, ditto Ramnuggur ...	36,373	.....	
Total ...	1,84,329	.....	
CHITTAGONG.				
Kurkutch Salt, Madras ..	.....	4,684	371	
Ditto, Judda ..	.....	673		
Total ..	.....	5,357		
POOREE.				
Pungah Salt ..	1,81,833	.....	309	
Kurkutch Salt ..	.....	6,85,838	356	
Total ...	1,81,833	6,85,838		
Grand Total ...	17,55,160	20,22,805		

N. B.—The above Salt is deliverable in quantities of fifty maunds and upwards at the Government Dépôts specified in column 1 and at the prices stated in column 4, to all applicants producing Rowannahs, which are procurable for all descriptions of Salt at the Office of the Board of Revenue.

BOARD OF REVENUE;
Fort William,
The 6th November 1886.

R. L. MANELES,
Offg. Junior Secretary

[1901]

SALT FOR EXPORTATION.

STATEMENT showing the Quantity of Salt in store available for exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

NAMES OF DISTRICTS.	Ports at which Salt is generally available for export on private trade.	Quantity allotted for private exportation in 1866.	Quantity exported on private trade or assigned to applicants up to 30th September 1866.	Quantity remaining in store actually available for export on 1st October 1866.	REMARKS.
		INDIAN MAUNDS.	INDIAN MAUNDS.	INDIAN MAUNDS.	
Godavery	Cacanda	1,50,000	37,400	1,12,600	Boats available at all times.
Kistna	Nizampatam	30,700-20	...	30,700-20	
Nellore	Lakapalli	1,72,020	21,202	1,50,818	Boats easily obtainable.
	Varam	1,54,015	1,806	1,52,209	
Madras	Madras	3,86,415	1,70,030	2,16,385	
	Ennore	3,88,302	13,2,085	1,95,217	
	Covelong	1,74,577	5,553	1,69,024	
South Arcot	Markam	60,000	25,000	35,000	
Tanjore	Vedarneem	1,20,000	10,000	1,10,000	
Timnevelly	Vaipar	1,20,000	1,00,000	20,000	
	Tuticorin	1,80,000	1,80,000	...	
	Total	19,15,195-20	9,12,005	10,03,190-20	

N. B.—Salt for export will be supplied by Government at the rate of 17 Rupees per 100 Indian Maunds, which includes charges of shipment, except at the Port of Madras, where the salt will be delivered on the Beach.

REVENUE BOARD OFFICE;
Madras,
The 19th October 1866.

R. A. DALYELL,
Sub-Secretary.

PUBLISHED for general information.

By Order of the Board of Revenue,

FORT WILLIAM,
The 5th November 1866.

R. L. MANGLES,
Offg. Junior Secretary.

NOTICE.

CALCUTTA MUNICIPALITY.

NOTICE is hereby given that the valuation and measurement of the portion of the Northern Division of the Town, noted in the margin, has been completed, and that the Books containing the said valuations

and the rates assessed can be inspected on any day (Sundays excepted), at the Office of the Justices, between the hours of 11 o'clock A. M. and 4 o'clock P. M., free of charge.

The Justices will, on the 26th day of November instant, proceed to revise the said valuation and assessment, and to hear all appeals connected therewith, but no such appeal can be heard unless the amount of rate has been deposited with the Justices, in accordance with the Provisions of Section 27 of Act VI of 1866, B. C., on or before the 22nd day of November instant, and unless such appeal be preferred by the person who at the time the appeal is made shall be recorded in the said Book as the owner of the premises to which such appeal refers, or by the occupiers thereof, or by their Agents.

ROBT. TURNBULL,

Secretary to the Justices of the Peace.

OFFICE OF THE JUSTICES OF THE PEACE,
1, CHOWRINGHIE ROAD;
Calcutta, 1st November 1866.

বিজ্ঞাপন।

ইহার দ্বারা জ্ঞাত করা হইল যে, শহরের নর্থ ডিবি-
জনের (১) বাটী সকলের মূল্য
অর্থাৎ যে সকল জমির পরিমাণ সকল নিশ্চিত
বাটীর নম্বর দক্ষিণ করা হইবাতে যে বহীতে ঐ
শোভাবাজার ইষ্ট্রীট, মূল্য ও নিরূপিত কর সকল
উত্তর অন্নপূর্ণা ঘাট, লেখা হইয়াছে তাহা বিনা
পূর্ব চিতপুর রোড, ব্যাংক বেলা ১১ ঘণ্টা নাগায়ের
পশ্চিম রিভার ছা ৪ ঘণ্টার সময় সকলের মধ্যে
গলা।

সাপারকর্তৃক দৃষ্টি করা হইতে
পারিবেক, অফিস অব দি পিস
সকলে ২৬ নবেম্বর তারিখঅবধি এ লিখিত করে
সংশোধনজন্য আপাল সকল শ্রমিতে আরম্ভ করিবেন,
কিন্তু ৬ আইনের ১৮৬৬ সালের ২৭ প্রারম্ভসারে রেট
আগত নাগায়ের ২২ নবেম্বর অবধি জমা রাখিয়া আ-
পাল করিলে গ্রাহ্য হইবেক। এবং তাহাদিগের নাম
বাটীওয়ারী ও ভারদ্বারা কিম্বা এজেন্ট বা লয়া বহাতে
লেখা যায়, তাহাদিগের আপাল শুনা বাইবেক।

আদেশানুসারে,

রবার্ট টরনবুল,

অফিস অব দি পিসদিগের সেক্রেটার।

অফিস অব দি পিসদিগের অফিস,
১ নং চৌরঙ্গী রোড,
কলিকাতা, ১ নবেম্বর ১৮৬৬ সাল।

[1902]

RETAIL PRICES OF FOOD AS REPORTED TO THE BOARD OF REVENUE, L. P.,
DURING THE WEEK ENDING THE 3RD NOVEMBER 1866.

Number of Seers of 80 Tolahs weight retailed for a Rupee.

AT	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULSES IN ORDINARY USE.			WHEAT.		ATTAR.		JANERA, JOYAR AND SUCH GRAINS.	
		Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
			Ordinary price at this Season.	Present price.		Ordinary price at this Season.	Present price.						

Districts in which the prices are same or nearly the same.

Calcutta	5th Nov. 1866	6½	10	9½	9	20	12½	14	10	7	6½	...	...
24-Pergunnahs	29th Oct. 1866	7½	13	8	6½	15	13½	13	9½	8	8	...	...
Dinapore	28th "	9	18	10½	6½	17	10	23	8½	10	6	...	...
Maldah	29th "	10	19	10½	13	22	13	17	10	10½	7	...	...

Districts in which all or most articles are dearer.

Kamroop	13th Oct. 1866	9	15	13	12	20	13	10	7	8	4	...	...
Nya-Doomika	28th "	...	15	8	...	15	7	12	7	8	6	42	20
Beerbloom	27th "	8	20	8½	6	24	9	21	8	15	6½	...	...
Jessore	29th "	6½	17	10½	10	32	8	21	8½	10½	6½	...	...
Nuddea	29th "	8½	30	10	9	32	14½	18	8½	10½	6½	...	...
Shahabad	29th "	7½	24	14	10½	24	10½	23	12	18	10	30	14
Tirhoot	29th "	8	20	9½	11	20	12	20	9	18	8½	30	20

Districts in which all or most articles are cheaper.

Darjeeling	29th Oct. 1866	5	8	8	4	8	6½	...	...	4	4	20	14
Midnapore	29th "	5½	10	10½	11	16	11½	10	8	8	6	...	...
Hazareebaugh	29th "	5½	14	14	8	18	14	12	7	10½	5½	27	18
Lohardugga	27th "	8	32	18	6	20	14	24	7	10	4½	...	...
Maunbloom	29th "	5½	24	10	7	26	10	7½	6	5	4½	10	8
Balasore	29th "	6	30	10	6½	16	9	16	6½	10	6½	...	...
Pooree	22nd "	7½	25	7½	9½	19½	5½	12	6½	10	4½	32½	7½
Sunderbuns	15th "	11	22	12	15	32	17	...	...	...	...	...	...
Sya	29th "	10½	26	14½	7½	18	8	27	10	20	8	41½	16
Bograh	29th "	8½	30	14	6	27½	8½	15	11	8	6½	60	20
Boota Doars—Myungoorie	24th "	8	10	12	5	16	8	...	...	8	6	...	...

Districts in which some articles are dearer and some cheaper.

Gawalparah	22nd Oct. 1866	8½	16½	10	7½	11½	11	21½	9	7	5½	...	...
Bhaugulpore	28th "	9½	16½	10½	9½	17½	10½	16½	10½	12½	8½	41½	20½
Monghyr	29th "	8½	17½	9	9½	23	11	16½	11½	14½	9½	31	21½
Purneah	29th "	8	19	12	6½	16	8	20	9	10½	6½	...	...
Deoghur	28th "	7½	14	8½	6	14	8	16	9½	14	8½	...	...
Pakour	28th "	11	30	13½	11	25	11	20	12	16	9	70	26
Rancoorah	27th "	5½	17½	12½	9½	18½	10½	11½	9	9	7½	25	6
Burduwan	28th "	8½	17½	10½	9	20½	12	13½	10½	10	6½	...	...
Hooghly	29th "	6½	12½	8½	8	18	10½	10	9½	6½	6½	...	...
Howrah	29th "	6½	8½	8	8½	16	14½	10½	10	8½	6½	...	...
Bullooh	29th "	8	22	10	6	20	11	...	...	6	4	...	...
Tippurah	28th "	9	45	16	8	40	8½	20	8	12	4	...	...
Singhbloom	22nd "	7	40	20	8	24	10	16	5	12	8½	...	...
Cuttack	22nd "	5	28	8	6	24	6	28	6½	20	6	26	8
Cachar	22nd "	10	15	11	8	16	9	10	6½	5½	4½	...	...
Dacca	29th "	9	25	13	10	13	11	9	8	6	5½	...	...
Mymensing	28th "	10	20	12	6	10	7	16	8	9	6	...	...
Patna	29th "	10	11½	11	10	11½	11	12½	12½	...	10	...	21
Serun	29th "	7½	20	13	9½	21	12	26	12	19	9½	31	23
Moorshedabad	28th "	6½	16½	8½	8½	27½	11½	10½	9½	11	7	22	12½
Rungpore	29th "	7	16	9	7	20	7½	16	8	8	5½	...	...

Published for general information.

By Order of the Board of Revenue, L. P.,

FORT WILLIAM,
The 6th November 1866. }

T. BRUCE LANE,
Secretary.

[1903]

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Oct. 11th ..	1 Case, Colonel Fisher, H. M. N. I., care of Borradaile and Co., 3, Fairlie Place, Calcutta	Str. Nubia.
" 11th ...	1 Case, Lieutenant G. B. Bird, care of the Brigade-Major, Jullundur, Punjab	... Ditto.
Nov. 1st ...	1 Parcel, Adjutant Duncan, E. Pitcher, 21st Hussars, Umballa, Punjab, East India	... Str. Golconda.
" 1st ...	1 Case, Lieutenant-Colonel B. E. Bacon, A. G. D. G., Secretary to Government, Military Department, Calcutta	... Ditto.
" 1st ...	1 Case, Colonel Moir, R. H. A., care of Colvin, Cowie, and Co., Calcutta	... Ditto.
" 1st ...	1 Case, Dr. Coates, H. M. E. I. S., Cuttack, Colvin, Cowie, and Co., Calcutta	... Ditto.
" 1st ...	1 Case, Colonel Middleton, C. B. D. A., General Royal Artillery, care of G. Arbutnot and Co., Calcutta	... Ditto.
" 1st ...	1 Case, Assistant Surgeon J. Munday, 21st Hussars, Umballa, Calcutta	... Ditto.
" 1st ...	1 Box, Hon'ble George Loch, Judge of the High Court, Calcutta	... Ditto.
" 1st ...	1 Major C. S. W. Ogilvie, Bengal Staff Corps, Meeran Meer, G. Arbutnot and Co.	... Ditto.
" 1st ...	1 Case, Cornet Leslie T. Bishop, 7th Dragoon Guards, J. H. Fergusson and Co.	... Ditto.
Aug. 23rd ...	5 Cases, G C D	... W. H. Haselden.
" 23rd ...	1 Case, [M A]	... Ditto.
Sept. 5th ...	1 Case, J. B. and Co.	... Roxburgh Castle.
" 7th ...	1 Case, [G C D]	... Ditto.
" 18th ...	2 Cases, [S. D. and Co.] C and B	... Ditto.
Aug. 27th ...	15 Packages, D G D	... Pride of Canada.

CALCUTTA CUSTOMS,
The 6th November 1866. }

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section LVII of Act VI. of 1863:—

Date of Landing.	Mark or Address of Packages.	Ships.
1866, Nov. 17th ...	11 Cases, [N. V. N. and Sons] L S	... Str. Lightning.
" 17th ...	4 Cases, [8993]	... Ditto.
" 17th ...	1 Case, [S. D. and Co., P]	... Ditto.
" 17th ...	2 Parcels, V B D B	... Ditto.
" 17th ...	1 Case, [R M C]	... Horsa.
" 17th ...	29 Cases, [N. V. N. and Sons]	... Ditto.
" 17th ...	1 Case, G. Ross	... City of Vienna.
" 17th ...	1 Case, C. H. Alston	... Ditto.
" 17th ...	1 Case, F. G. Cockburn, Esq.	... Ditto.
" 17th ...	1 Parcel, [F] H	... Ditto.
" 17th ...	1 Parcel, [JE] C	... Ditto.
" 17th ...	24 Cases, [555] D. and Co.	... Oriana.
" 17th ...	3 Cases, [M]	... Ditto.
" 17th ...	4 Cases, [8993]	... Ditto.

CALCUTTA CUSTOMS,
The 6th November 1866. }

J. A. CRAWFORD,
Collector of Customs.

[1904]

NOTICE.

THE undermentioned Packages, landed under Section LII. of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section LVI. of Act VI. of 1863 :—

<i>City of Seringapatam.</i>		
1866, Nov. 10th	... F M C, 2 Cases.	
<i>Sumruo.</i>		
1866, Nov. 10th	... [N. V. N. and Sons] 72 Cases V N and S, 22 Cases.	
<i>Mahanada.</i>		
1866, Nov. 10th	... [H] 1 Parcel	... [T A S] 1 Parcel.
„ 10th	... [H] 1 Parcel	... [M B H R] 1 Parcel ... S S, 1 Parcel.
<i>Orient.</i>		
1866, Nov. 10th	... S R D, 1 Case	... Revd. J. Quick, care of C D N, 11 Packages. J. Davis, 4, Mangoe Lane, 1 Case.
„ 10th	... [B] 1 Case	... W S, 1 Case ... J L, 1 Case.
„ 10th	... 25] E W G, 1 Cask.	
<i>Prince Oscar.</i>		
1866, Nov. 10th	... F M, 1 Case	... K M B, 1 Cask. [F M C] W E.
<i>Hengist.</i>		
1866, Nov. 17th	... [B] and S [oo] W, 107 Casks.	
<i>King Arthur.</i>		
1866, Nov. 17th	... [B] 1 Case	... L. Spark, Esq., Colvin, Cowie and Co., Calcutta, 1 Case.

CALCUTTA CUSTOMS, }
The 6th November 1866.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

<i>Sydney Dacres.</i>		
1866, Nov. 1866	... [B M R P] 8 Cases	... M S, 1 Case ... R J T, 6 Cases.
<i>Horsa.</i>		
1866, Nov. 24th	... N V N & Sons] 29 Cases [G] 1 Case	... Messrs. Cohn, Fileman, Calcutta, 1 Parcel.
<i>Art Union.</i>		
1866, Dec. 8th	... Officers' Mess, 13th Bengal Lancers, Peshawur, 1 Case.	... [C S] 1 Case ... [M] C, 1 Case.
<i>Aurifera.</i>		
1866, Dec. 30th	... T. J. Maltby, Esq., care of Messrs. J. H. Smith and Co., 36, Dhurumtollah Street, 1 Case.	
<i>W. H. Haselden.</i>		
1866, Dec. 20th	... G C D, 3 Packages.	
<i>Ocean.</i>		
1866, Dec. 17th	... W H, 9 Cases.	
<i>Achilles.</i>		
1866, Dec. 21st	... [L. C. and Co.] S. S. S. and Co., 13 Casks.	
<i>Moorensfort.</i>		
1866, Dec. 22nd	... A I, 1 Case	... B R D B W P, 50 Kegs E W J P W, 1 Case

CALCUTTA CUSTOMS, }
The 6th November 1866.

J. A. CRAWFORD,
Collector of Customs.

MONTHLY STATEMENT OF TRAFFIC PASSED THROUGH THE CALCUTTA CANALS AND TOLLY'S NULLAH from 1st to 31st October 1866.

	NAMES OF CHOWKEYS.	CHARCOAL.			WOOD COAL.			PIRCS GOODS, NATIVE PRODUCE.			PIRCS GOODS, IMPORTED FABRICS.			HIDES.			COTTON.			CASTOR SEED.			CASTOR OIL.			INDIGO.			JAGGURY.			JUTE.			LIME.			MUSTARD SEED.			MUSTARD SEED OIL.		
		Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.			
CALCUTTA CANAL ..	Bamonghatta...	3	500	200	15	1375	111750	43	18725	16320	52	316300	182350	115	237950	157500	193	99350	72250		
	Chittpore	...	151	261900	28405	
TOLLY'S NULLAH ...	Samookpotta...	3	275	100	15	6575	10	162	8080	4560		
	Russa		
	Kidderpore	...	7	3475	2860	3	275	150	3	200	140	1	175	80	4	300	150

	NAMES OF CHOWKEYS.	SALT.			SUGAR.			TOBACCO.			LINSSEED.			PADDY.			PEASE.			PEAS.			RICE.			WHEAT.			BENTIL.			GRAIN.			SCANDRIES.			
		Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Number of Boats.	Mauudage by Canal Measurement.	Mauudage of Cargo by estimate.	Total Number of Boats.	Total Mauudage by Canal Measurement.	Total Mauudage of Cargo by estimate.				
CALCUTTA CANAL	Bamonghatta...	...	...	...	12	6000	2000	15	2150	125	60	3025	15275	...	...	...	57	15200	14000	22	5000	6000	725	321475	185750	...	...	...	62	24450	13225	...	...	...	5194	1730375	...
	Chittpore	...	260	220875	164000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1954	501975	...	
TOLLY'S NULLAH	Samookpotta	...	...	...	...	...	...	5	2575	2000	3	5775	1775	408	93150	48700	23	1172	9500	...	...	...	382	182275	90800	...	...	...	...	...	...	...	...	...	809	250050	...
	Russa	795	20750	...
	Kidderpore	...	80	50100	20750	1265	317275	...

DHAPPA,
Toll Collector's Office,
The 2nd November 1866.

J. O'FLAHERTY, C. E.,
Collector of Tolls, and Supervisor of Canals.

[1906]

Wanted,

A HEAD Clerk for the Jessore Collectorate on a salary of Rupees 80 per month. Intending candidates who do not possess a good knowledge of English and of the current duties of a Collector's Office need not apply. Applications to be forwarded to the undersigned with certificates of qualifications and character.

J. MONRO,
Offg. Collector.

JESSORE COLLECTORATE, }
The 30th October 1866.

Wanted,

A Translator and Head Assistant for the Judicial Department, Gawalparah. Salary, Rupees 90 per month.

Applications, forwarding testimonials, to be sent to the Deputy Commissioner, Gawalparah. A good knowledge of English and Bengallee indispensable.

A. E. CAMPBELL,
Deputy Commissioner.

GOWALPARAH, }
The 13th October 1866.

Notice.

REQUIRED for the Darjeeling District a Treasurer, who will be required to furnish security to the amount of Rupees (10,000) ten thousand. Salary, Rupees 65 a month. Application to be made to the

DEPY. COMM., DARJEELING.

DARJEELING, }
The 9th October 1866.

Wanted,

A SUPERINTENDENT in the Revenue Court of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 per mensem.

H. SCONCE,
Depy. Commr.

DEPY. COMM.'s OFFICE, }
The 20th September 1866.

Wanted,

A SUPERINTENDENT for the Civil and Criminal Courts of the Deputy Commissioner of Sibsagar, Assam. Salary, Rupees 150 a month.

H. SCONCE,
Depy. Commr.

DEPY. COMM.'s OFFICE, }
The 20th September 1866.

Notice.

THE Singhbhoom Annual Fair will be held at Chyebassa during the last fortnight in December 1866.

W. H. HAYES,
Deputy Commissioner of Singhbhoom.

CHYEBASSA, }
The 10th October 1866.

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels from the 8th to 31st October 1866.

NAMES OF RIVERS.	Least Depth of Water.	REMARKS.
MATABANGAH.	Ft. In.	
Above Entrance in Ganges ...	18 6	
On the Entrance Shoal ...	3 0	
Thence to Hât Bouleah, 44 miles	3 5	
Hât Bouleah to Alickdeah ...	3 0	
Alickdeah to Kissengunge, 38 miles ...	5 6	
Kissengunge to Hooghly River, 34 miles ...	8 7	
BHAUGIRUTTEE.		
Entrance Bar ...	5 9	
Below the Entrance	22 0	
Thence to Jeagunge	7 6	
Jeagunge to Cutwa, 60 miles ...	5 0	
Cutwa to Nuddea, 46 miles ...	7 0	
JELLINGHEE.		
Entrance ...	1 2	
Thence to Kureempore, 19 miles ...	0 9	
Kureempore to Teeakatta, 35 miles ...	7 4	
Teeakatta to Nuddea, 60 miles ...	8 0	

Height on Gauge at Berhampore on the 3rd November 1866, 8 feet 11 inches above zero.

A fall of 5 feet 9 inches since 11th October 1866.

G. W. VIVIAN, C. E.,

Offg. Exc. Engr., Berhampore Dist.

BERHAMPORE, }
The 3rd November 1866.

[1907]

No. 42.

Commissariat Notice.

The Assistant Commissary General invites sealed Tenders for the supply of—

- | | | |
|----------------------------------|-----|--|
| 1. Cattle Gear | ... | } For one year,
from 1st February 1867. |
| 2. Barrack Bedding | ... | |
| 3. Hospital Clothing and Bedding | ... | |
| 4. Rice, Table, 1st quality | ... | |
| 5. Sugar, moist, best, Benares | ... | |

Tenders will be received up to 2 P. M. of the 3rd December 1866, and opened at noon on the day following in this Office, where printed forms can be obtained.

G. S. MACBEAN, Major,
Asst. Comy. General.

CALCUTTA;
Commissariat Office,
No. 6, Park Street,
The 1st November 1866.

Sheriff's Office, the 7th November 1866.

NOTICE is hereby given that the Ninth Criminal Sessions of the year 1866 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Monday, the Third day of December next, at 11 o'clock in the forenoon, and so on from day to day until the Sessions be over. And it is hereby proclaimed that all persons who will prosecute any prisoner be then and there to prosecute against him.

S. A. APCAR,
Sheriff.

সরিক আফিস ১৮৬৬ সাল ৭ নবেম্বর।

সম্রাটর দেওয়া বাইতেছে যে সুবে বাঙ্গা-
লার কোর্ট উইলিয়াম দুর্গের অধীন শহর
জমিকাতা ও অন্যান্য স্থানের কোজদারী
বিচার মিনাত জন্ম আগামি ৩ ডিসেম্বর

সোমবার বেলা ১১ ঘটিকার সময় এবং যে
পর্যন্ত সেশিয়ানের কার্য শেষ না হয়
প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহাউসে
হাই কোর্টের আদালত ঘরে সন ১৮৬৬ সালের
নবম ক্রিমিনেল সেশিয়ান বসিবেক এবং
এতদ্বারা প্রচার করা যাইতেছে যে যে সকল
ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোজদারী
মিছিল করিবেক তাহারা উক্ত স্থানে ঐ
সময়ে হাজির থাকিয়া মোকদ্দমা করে
ইতি সন ১৮৬৬ সাল তারিখ ১০ অক্টোবর।

S. A. APCAR,
Sheriff.

Notice.

SALE OF WASTE LANDS.

Notice is hereby given that a Lot of Waste Land, estimated to consist of about 1,577 Acres, more or less, situated in Thannah Chukchoreah, Zillah Chittagong, and bounded as shewn at foot of this Notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two Rupees eight annas per Acre, on the 2nd of February 1867, at the Office of the Collector of Chittagong, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

R. H. WILSON,
Officiating Collector.

ZILLAH CHITTAGONG;
Collector's Office,
The 13th October 1866.

BOUNDARIES OF LOT 103.

North—By the Pequa River.
South—By the Burra Kurria Faree.
East—By the Mascal Channel.
West—By the Kootubdeah and Mattarbaree Channels.

R. H. WILSON,
Officiating Collector.

Sheriff's Sale ; Calcutta, the 19th September 1863.

NOTICE is hereby given that on Thursday, the Twenty-ninth day of November next, precisely at the hour of 12 o'clock at noon, the Sheriff of Calcutta will put up to public sale, at the premises lately known as the Insolvent Court premises, by virtue of a writ of *Fieri Facias* in his hands against the Effects of Sreemutty Gaetree Dabee.

The Right, Title, and Interest of the said Sreemutty Gaetree Dabee, of, in, and to the following landed property, *viz.* :—

Lot No. 1.—One Puttoonce Talook called Gopalpore, situated in the Suburbs of Santipore, butted and bounded in the manner following, that is to say, on the South by a public road which leads to East and West; on the West by a public road which leads to North and South; on the North by the house called Khurjolla House of Sreejoot Hurromohun Roy, and on the East by a mangoe garden of Hurromohun Roy and Sibchunder Roy, within these boundaries mentioned a garden called Khurjolla Garden which contains best mangoe and various other trees, boytuekonna, pond, and surrounded by brick-built walls, lands, rent-free land, and rented land, about forty beegahs.

2. Also a village known by the name of Gopalpore, butted and bounded in manner following, that is to say, on the West by the public road which leads to North and South; on the North by the public road which leads to East and West; on the East by the house of Radharomun Paul, Chunder Poramanick, and Shibo Ghose, and on the South by the bamboo garden of Ramkrishno Chuckerbutty and Nilemul Chowdry, within these boundaries a garden called and known by the name of Bukslee Garden, which contains mangoe trees and tenants rent-free land, about five beegahs.

3. Also a piece or parcel of land called Bakda-beepore Maut, situate at Gopalpore, containing by estimation sixteen beegahs, together with a garden of the late Modhoooodun Roy, butted and bounded in manner following: on the North by a mangoe garden of the late Shibeunder Roy; on the East by a public road which leads to North and South; on the South by a pond, and on the West by the pond and one waste land of Ramchunder Bonnerjee.

4. Also a tenanted land of the late Gocoolchunder Thackoor, situate at Gopalpore, Burrobazar, containing by estimation twenty-two beegahs.

5. Also five annas and four pie share of certain tenanted land or village called by the name of Woomeschunder, otherwise called Notoon Gram, annual income Rupees ninety-one and eleven annas.

6. Also about ten beegahs of Mal Jomye land, together with a two-storied brick-built house surrounded by brick walls standing thereupon, and containing three appurtenants, situate in Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South by the lane which is on the South by the house of Rajnarain Chatterjee and others; on the East of the lane which leads from North of the house of Ramdhone Mookerjee.

7. Also the four annas eight gundahs three cowries and five teel share of a tank called the tank with about twelve beegahs of land on which it stands, situate in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows, namely, on the West of the late Ramrutton Roy and Ramhurry Roy's Garden; on

the North of the waste lands, on the East of the Mal Jomye lands, and on the South by Madhub Kurmoker's Garden and Madhubhurry and others house.

8. Also a sugar factory and a one-storied house attached to it, together with Lackraj land, measuring about one beegah on which the buildings stand in Mouzah Ramnuggur, included in the above Talook, and butted and bounded as follows, namely, on the South Heeralall Chatterjee's house; on the East of the said Chatterjee's plain garden; on the West of the Government metalled road, and on the North of the road leading from East to West.

9. Also the brick-built house and brick wall on three sides purchased from Mr. Black, together with a piece of Lackraj land, measuring about one beegah, in Mouzah Ramnuggur, included in the said Talook, and butted and bounded as follows, namely, on the North of the Mirsaurun; on the East of the Government Road; on the West of the land and house of Biressur Gangooly and others, and on the South of Mutty Gunge.

10. Also the bazar called Mutty Gunge, together with ten cottahs of land on which it stands, situate in Mouzah Ramnuggur, included in the same Talook, and butted and bounded as follows: namely, on the South of the road leading East to West; on the West of the road which lies in the West of Bissessur Gangooly's house and lands; on the East of the Government metalled road, and on the North of the wall of the house purchased from Mr. Black.

11. Also the mangoe and other fruit gardens called Hayatee, together with Lackraj land, measuring about six beegahs of tenanted land in Mouzah Gopalpore, included in the same Talook, and butted and bounded as follows: on the South of the large mangoe garden of Hurrymohun Roy and others, and of the late Woomeschunder Roy's garden, named Khurjollah; on the East of the house of Pultoo Sheikh and Heeroo Sheikh, who are tenants of Mal land; on the North of the late Ramrutton Roy's Garden, named Mutter Veyah, and on the West of the late Woomeschunder Roy's Garden named Khurjollah.

12. Also the mangoe garden purchased from Kholasee, together with about eight beegahs of Lackraj lands, on which it stands in Mouzah Thackoorparah, included in the same Talook, butted and bounded as follows, namely, on the South of the tank of Gourhurry Gossamy and others; on the East of the road leading from North to South; on the West of the mangoe garden of Bejoychunder Bhattacharjee; on the North of Teski Berr.

13. Also the garden called Roycoontoo Beer with Lackraj land, measuring about thirty-six beegahs of tenanted land in Mouzah Thackoorparah, included in the said Talook, butted and bounded as follows, namely, on the South of the road; on the West of Rutton Chuckerbutty's lands; on the East of the land of Boidonath Moochee and others, and on the North of the lane.

14. Also the whole of the place called Saheb-dangah, measuring about one hundred beegahs, the Debutter land of Kallachaund Thackoor, of which a Mourassee Pottah has been given, the said land is tenanted, and on it stands the Small Cause Court Cutcherry, situate in Mouzah Rajapore, included in the said Talook, butted and bounded as follows, namely, on the West of the metalled road leading from North to South; on the South of the road leading from East to West;

on the East of Shahaparrah, and of the garden of Rajkristo Poddar and others and of the ditch, and on the North of the sloping land of Moonshadabo.

15. Also the eight annas share in the Lackraj land purchased from the late Muddoosoodun Roy, measuring about twenty beegahs of tenanted land, which in Mouzah Gopalpore included in the same Talook, butted and bounded as follows, namely, on the North of the road leading from North to South; on the South of the house and lands of Sreeram Moondoomallah and Sreeram Colea; on the West of the house of Madhub Chunder Acharjee and Harry Dutt.

16. Also the eight annas share in the ten beegahs of Lackraj land purchased from the late Muddoosoodun Roy with mangoe and jack trees on it, and tenants dwelling on it, situated in Mouzah Woomes Nuggur, included in the said Talook, and butted and bounded as follows, namely, on the South of the narrow lane leading from East to West; on the West of the house of Radhakissen Thackoor and Dwarkanath Bose; on the North of the house of Khettermoon Acharjee and others, and on the East of the house of Deno Dewah.

17. Also the eight annas share in Dhee Bahadoorpore, comprising five Mouzabs, namely, Nij Bahadoorpore, Basdelepore, Buru Jancoorah, so to Jaiacoorah, and Dey Parah, of which the annual Putnee Jumma is Rupees 2,398-11-4, and of which Baboos Kalidoss and Unnodapersad Benerjees, Nocoormoney and Banasoodery Babees and others are the registered proprietors, and which stands in the name of Tareencepsaid Ghose.

18. Also the eight annas share in the Lackraj land, measuring about five beegahs, purchased from the late Muddoosoodun Roy, situate in Mouzah Bowagachee, included in Dhee Kristochunderpore, and butted and bounded as follows, namely, on the West meadow, and on the North of the road leading from East to West on the West of the road leading from North to South; on the South of Gopalchunder Bhattacharjee's Garden, and on the East of the land of Sreeram Haldar.

19. Also the eight annas share in the Lackraj lands purchased from the late Muddoosoodun Roy, measuring about five beegahs, situate in the Mouzah abovenamed, and butted and bounded as follows: on the West of the waste Mal lands and of the road leading from North to South; on the North of Ramrutton Buttacharjee's lands; on the East of the garden of the late Sibchunder Roy and others, and on the South of Dindoyal Paramanick's Garden.

20. Also one-third share of the ancestral Lackraj land, measuring about two beegahs, with tenants dwelling on it, situate in Mouzah Gopalpore, Turruff Santipore, and bounded as follows: on the West of road leading from North to South; on the South of the road leading from East to West; on the East of Joyram Paul's Putnee land, and on the North of garden of the late Woomeschunder Roy.

21. Also the one-third share in the ancestral Lackraj land, measuring about three beegahs, with tenants dwelling on it, and having tamarind, bale, and several other trees growing on it, situate in Mouzah Gopalpore, included in the same Talook, and bounded as follows, namely, on the West of the road leading from North to South; on the South of the lane leading from East to West; on the East of the houses of Ramrutton Chatterjee

and Ramgopal Ghosaul, and on the North of the house of Sibchunder Paul.

22. Also one-third share in the ancestral Lackraj land, measuring about ten beegahs, with tenants dwelling on it, situated in Mouzah Rugoorampore, included in the same Talook, and bounded as follows: on the South of the lane; on the West of the drain; on the East of the houses of Luckhun Coleah and Moteeboll Coleah, and on North of Bissumbur Roy's Jomye land and of the narrow lane.

23. Also one fruit garden with rent-free land, measuring about six beegahs, situated at Mouzah Byghotee Dehee Kerr.

24. Also the two-storied brick-built house known by the name of Majirry Book, situated at Bangatchey.

25. Also eight annas share of the land purchased from Muddoosoodun Roy at Gopalpore.

26. And also one lodging-house situated at Gruwarree, in the district of Nuddea.

The Conditions of Sale may be known by applying at the Sheriff's Office.

S. A. APCAR,

Sheriff.

Notice.

"MACHINERY AND HARDWARE DEPARTMENT."

THE separate business carried on by the undersigned in the above branch of trade will, in future, be conducted and carried on under the style and firm of

LEPAGE, NEPHEW, & CO.

Office—2, DALHOUSIE SQUARE.

Godown—2, MISSION ROW.

Workshops—5, RANEEMOODY GULLY.

R. C. LEPAGE & Co.

CALCUTTA, }
The 1st November 1866. }

IN reference to the above Notice, Mr. R. C. LEPAGE, Junior, is hereby empowered to sign the firm of

LEPAGE, NEPHEW, & CO.

and to conduct the business in India.

MR. R. C. LEPAGE, Senior, with a competent staff, attends to the business in England.

Orders may be sent direct, or through the Calcutta House; if direct, references or arrangements for payment will be necessary.

Contracts entered into and Commissions received for all descriptions of Machinery, Metals, Tools, and Hardware.

Further particulars on reference to the Calcutta or London House.

ADDRESS IN LONDON—

No. 1, Whitefriars Street, Fleet Street.

[1911]

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Johann Anton Hoffmann, an Insolvent. } On Saturday, the 4th day of August instant, it was ordered that the Creditors of the said Insolvent do, on or before the first Court day in November next, file in the Office of the Chief Clerk of this Court a statement of their respective claims against the Estate of the said Insolvent duly verified by Affidavit, and that the Chief Clerk do form a Schedule from the claims so to be filed.

Moses, Attorney.

Chief Clerk's Office, the 14th August 1866.

In the matter of Theodore Dickens, an Insolvent. } On Saturday, the 6th day of October instant, it was ordered that John Hall Bridgman, John Nassam Clark Delhios, widow and sons, and Fletcher, Alexander and Co., Creditors, named in the Schedule of the said Insolvent and numbered respectively 1, 3, 5, and 2, 6, do on the first Court day in April next personally or by their constituted Agents or Attorneys attend and prove their respective claims against the Estate of the said Insolvent, in default of which their respective names and claims should be expunged from the Schedule of the said Insolvent.

Hatch and Stewart, Attorneys.

Chief Clerk's Office, the 16th October 1866.

In the matter of John Bischoff, an Insolvent. } Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic., cap. XXI., was filed in the Office of the Chief Clerk on the 11th day of October instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

Chief Clerk's Office, the 30th October 1866.

**R. Scott Thomson and Company,
"Limited."**

THE Seventh Half-yearly Ordinary General Meeting of Shareholders will be held at the registered Office of the Company, No. 13, Government Place, on Saturday, the 24th November 1866, at noon, for the purpose of declaring an *ad interim* Dividend for the Half-year ending 30th September last.

By Order of the Directors,

F. STUART,
Secretary.

CALCUTTA
The 6th November 1866.

Soorisopore Tea Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the Office of the Company, No. 3, Fairlie Place, on Tuesday, the 20th current, at noon, for the purpose of passing a Special Resolution giving the Directors and Secretaries of the Company fuller powers with regard to the sale of the Company's Estates.

BORRADAILE, SCHILLER & Co.,
Secretaries.

CALCUTTA,
The 5th November 1866.

Victoria Tea Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the Office of the Company, No. 3, Fairlie Place, on Tuesday, the 20th current, at one o'clock P. M., for the purpose of passing a Special Resolution giving the Directors and Secretaries of the Company fuller powers with regard to the sale of the Company's Estates.

BORRADAILE, SCHILLER & Co.,
Secretaries.

CALCUTTA,
The 3rd November 1866.

Soom Tea Company, "Limited."

WE hereby beg to give notice that the Seventh adjourned Half-yearly Ordinary General Meeting of Shareholders in the above Company will be held at the registered Office of the Company, No. 1, Lyons' Range, on Tuesday, the 11th December 1866, at 12, noon, to receive the Directors' Report, pass the Accounts, and transact such other business as may be brought forward.

By Order of the Board,

TURNER, MORRISON & Co.,
Secretaries.

CALCUTTA,
The 6th November 1866.

[1912]

**The Sylhet and Cachar Tea Company,
"Limited."**

NOTICE is hereby given that an Extraordinary General Meeting of Shareholders of the above Company will be held at the Office of the Company, No. 6, Church Lane, Calcutta, on the 15th day of December now next ensuing, at noon, to consider the advisability of winding up the Company voluntarily, and if it be resolved to wind up the same, to pass the following Resolutions:—

1st.—That the Company (being unable by reason of its present liabilities to carry on its Business) be voluntarily wound up.

2nd.—That a Liquidator be appointed to wind up the Company.

3rd.—That such Liquidator, as shall be appointed by the foregoing Resolution, shall be at liberty to sell all or any of the Estates, Live and other Stock, Chattels or Effects of the Company, at such price as may be deemed by him expedient, subject to the claims of the Land Mortgage Bank and of Debenture-holders.

By Order of the Directors,

GORDON, STUART & Co.,
Secretaries and Calcutta Managers.

CALCUTTA,
The 14th September 1866.

WITH reference to the above Advertisement, it is proposed to form a Company, to be called the NEW SYLHET AND CACHAR TEA COMPANY, "LIMITED," having for its object the purchase of all or some of the Estates of the said SYLHET AND CACHAR TEA COMPANY, at the amount for which such Estates are mortgaged or under lien, and to work the same, and to receive in payment of Shares all Debentures of the SYLHET AND CACHAR TEA COMPANY, "LIMITED," issued under the Resolutions of the Directors of that Company, dated July 18th, 1866.

The Capital of the proposed Company will be Rupees 10,00,000, of which Rupees 2,50,000 will be called up during the first year. The shares in the New Company will be offered, in the first instance, and up to the 1st December 1866, exclusively to shareholders in the existing Company, but after that date they will be offered to the public at large.

GORDON, STUART & Co.

CALCUTTA,
The 14th September 1866. }

Eastman and Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held within the Company's Office, No. 9, Dhurrumtollah Street, on Saturday, the 17th day of November proximo, at 4 o'clock afternoon, for the purpose of confirming the proceedings of the General Meeting of the Company held on the 29th instant.

By Order,

ALLAN ROBERTSON, Jr.,
Secretary.

CALCUTTA,
The 31st October 1866. }

Bishnauth Tea Company, "Limited."

WE beg to give notice that the adjourned Sixth Half-yearly Ordinary General Meeting of the Shareholders in the above Company will be held at the registered Office of the Company, No. 1, Lyons' Range, on Wednesday, the 14th November 1866, at 4 p. m., to receive the Directors' report, pass the accounts, and transact such other business as may be necessary.

By Order of the Directors,

TURNER, MORRISON & Co.,
Secretaries.

CALCUTTA,
The 30th October 1866. }

Beerbhoom Coal Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at No. 3, Fairlie Place, on Monday, the 26th November current, at noon, for the purpose of confirming the Resolutions passed at the Half-yearly Ordinary General Meeting of the Company held on Wednesday, the 31st October 1866.

BOREDAILE, SCHILLER & Co.,
Managing Agents.

CALCUTTA,
The 1st November 1866. }

[1913]

Lost or Stolen.

HALF of Currency Note, No. A9—79303, for Rupees 20, intimation of loss given to the Currency Office, Calcutta.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A29—38283, for Rupees 500.

Lost or Stolen.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A25—63491 and 63798, for Rupees 20 each.

No. A19—66455, for Rupees 10.

Lost or Stolen.

HALF of the Currency Note, No. A25—90038 (marked 'E. 23-8-66') for Rupees 20.

Lost.

HALF of Government Currency Note, No. A30—66314, for Rupees 100, intimation of loss given to the Currency Office, Calcutta.

Lost.

HALF Notes, Nos. 93391, 93374, 95638, 96100, 64966, 71428, 87297, 64470, 64954, each for Rupees 20.

GRINDLAY & Co.

Lost.

HALVES of the following Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. A6—63728, A19—46007, and A6—63038, for Rupees 10 each.

Lost.

HALF of Government Currency Note, No. A66740, for Rupees 50, intimation of loss given to the Currency Office, Calcutta.

Lost.

THE HALVES of Government Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A19—07948, for Rupees 10.

„ A18—18995, „ „ 10.

Lost.

HALVES of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. A18—23434, for Rupees 10.

„ A18—23435, for Rupees 10.

„ A18—23436, for Rupees 10.

SUBENATH BANERJEE & BROTHERS,

Booksellers, Cossitollah, Calcutta.

Lost or Stolen.

GOVERNMENT Currency Note, No. A11—98794, for Rupees 50.

KAMARUPAUD.

Just published.

In Pamphlet Form.

ACTS AND ORDERS relating to the Engagement and Transport of Native Laborers under contract for employment in Assam, Cachar, and Sylhet. Price—8 Annas.

To be had on application at the Offices of the Superintendent of Labor Transport, Calcutta, Commissioner of Assam, and Deputy Commissioner of Cachar.

A Bengallee Translation of the Acts and Orders, recently published, is also to be had at the same price in the Office of the Superintendent of Labor Transport, Calcutta.

Edited by the Secretary, Board of Revenue.

THE FIRST COMPLETE EDITION OF THE RULES OF THE REVENUE DEPARTMENT.

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FOR THE

GUIDANCE OF OFFICERS

ENGAGED IN

THE ADMINISTRATION

OF THE

REVENUE DEPARTMENT

IN THE

LOWER PROVINCES OF BENGAL.

This work supersedes "Hume's Manual," and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.

The number of copies available is limited.

ALSO JUST PUBLISHED,

Price 4 As.; Packing Charges and Postage 2 annas extra.

WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,
MILITARY ORPHAN PRESS

1866.

Stolen.

Currency Note,	No.	22495,	for Rs.	100
"	"	22764	"	100
"	"	15804	"	100
"	"	19253	"	100
"	"	24561	"	100
"	"	24855	"	100
"	"	21782	"	100
"	"	26994	"	100
"	"	27737	"	100

H. P. WYNCH, Captain,
District Supdt., B. P.

Lost.

THE Left-halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—No. A30—77483, for Rupees (100) one hundred; No. A23—97525, for Rupees (50) fifty.

J. C. THORPE,
109, Bow Bazar Street.

CALCUTTA,
The 19th October 1866. }

Lost or Stolen.

SECOND-HALF of Government Currency Note, No. A20—50201, for Rupees 10 only.

Caution.

THE Public are hereby cautioned against purchasing or taking in mortgage from Newab Seedee Nuzur Ally Khan a zemindary called Pergunnah Midnapore, &c., situate in zillah Midnapore, or the undermentioned Soonderbund grants collectively known as the Furreedoonabad Estate, (that is to say)—

Messrs. Gordon, Stuart and Co.'s Grant, No. 79, containing 11,600 beegahs of land in Lot Wagilda.

Messrs. Bagshaw and Co.'s Grant, No. 90, containing 11,700 beegahs of land in Lot Aueratollah.

Mr. Harris's Grants, Nos. 57, 58 and 67, containing 70,000 beegahs of land in Lot Mutbaree and Kally Rutullo and Alanobaker.

Mr. Storm's Grants, Nos. 91, 92 and 100, containing 42,500 beegahs of land in Lot Bhowaneepore, Bissunpore and Fulanee;

and

Mr. Heatley's Grants, Nos. 87, 88, 89, 93, 94, 95, 96 and 97, containing 29,000 beegahs of land, in Lots Hossenabad, Mohunpore, Sootkooreah, Kallydangah, Nowpira, Sawria and Bhoysa Gungarampore, Pergunnah Bhowaneepore.

The Public are also cautioned against purchasing or taking in mortgage from the said Newab Seedee Nuzur Ally Khan his dwelling-house, situate at Ballygunge, or any other real properties, in his possession or standing in his name, situate at Moorshedabad, Calcutta, and elsewhere, inasmuch as a decree has lately been obtained by Rajah Ojodeeram Khan against him and others in the Judge's Court at Midnapore, whereby it was decided that the said Newab Seedee Nuzur Ally Khan is not a *bona fide* purchaser for valuable consideration of the said zemindary, Pergunnah Midnapore, &c., and the said Newab Seedee Nuzur Ally Khan will be found largely indebted to the said Rajah Ojodeeram Khan on account of the *mesne* profits which have accrued during his possession of the said zemindary.

CALCUTTA,
The 19th October 1866. }

Stolen.

FROM the Sub-Divisional Treasury at Brahmenberria, in the District of Tipperah, on or about the 13th October 1866, the under-mentioned Notes:—

- 1 Paper Currency Note of Rs. 100, No. 27801.
- 1 Ditto ditto of Rs. 50, No. 05310.
- 1 Ditto ditto of Rs. 50, No. 29315.

F. G. MILLETT,
Magistrate and Collector.

Lost or Stolen.

HALF of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. A37—90555, for Rupees 100.

RAMPAL MONOHUR DASS.

The 6th November 1866.

**NOTICES issued by the
POST-MASTER of CALCUTTA.**

No. 156.

The 29th October 1866.—The Overland Mail per Steamer *Nubia* will be closed on Thursday, the 8th November 1866, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius, Cape of Good Hope, St. Helena, and Australia, can be sent by this opportunity.

	Weight.	Via Marseilles.	Via Southampton.
Postage.	Under $\frac{1}{2}$ Ounce	Rs. 0 6 8	Rs. 0 4 0
	" 1 "	" 0 13 4	" 0 8 0
	" 2 "	" 1 10 8	" 1 0 0

No. 162.

The 3rd November 1866.—An After-Packet per Steamer *Nubia* will be closed at 6 P. M. on the 9th instant, the following rates of Inland Postage must be prepaid on all letters and newspapers in addition to the usual Steam Postage, viz.:

On Letters.

		Rs.	As.	P.
Weighing under	$\frac{1}{2}$ oz.	0	1	0
"	1 oz.	0	2	0
"	2 oz.	0	4	0

and so on, two annas being added for every additional ounce or fraction thereof.

On Newspapers.

		Rs.	As.	P.
Weighing under	2 oz.	0	0	6
"	4 oz.	0	1	0

and so on, one anna being added for every additional 4 oz. or fraction thereof.

The above rates do not apply to letters addressed to passengers on board the out-going Steamer; such letters will be subject to the ordinary Inland Postage.

Books per After-Packet will be charged at the Indian Inland rates in addition to the usual Steam Postage for books.



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 7, 1866.

NOTICE

Is hereby given that the sale of the Proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

CONDITIONS OF SALE:

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidder above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue, L. P.,

R. B. CHAPMAN,
Secretary.

ADVERTISEMENT OF SALE.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Bhullooah, will be put up to sale, in the Bhullooah Collectorate, on Monday, the 3rd December 1866, corresponding with 19th Agran 1273 B. S.

The Purchasers of the Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix, with the addition of the following Condition, viz.:—

1. That the purchase will have effect from 1273 B. S.

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
54	1452	Chur Jozid Nuzidpore ...	216 3 32	195 0 0	2 0 0	197 0 0	390 0 0	
68	1510	Chur Ganda ...	55 3 13	63 0 0	1 0 0	64 0 0	126 0 0	

BHULLOOAH COLLECTORATE,
The 27th August 1866.

J. C. PRICE,
Offg. Collector.

NOTICE is hereby given that the Proprietary right of Government in the under-mentioned Plots of C. Land relinquished by the East Indian Railway Company, situated in the District of Shahabad, will be put up to sale, Revenue free, at the Shahabad Collectorate, on Friday, the 30th day of November 1866, corresponding with 8th Aughun 1274.

The Purchasers of these Plots will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Appendix :—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Cess.	Total.		
			A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
...	...	Kusbeh Hameedpore, Pergunnah Arrah ...	5 3 19½	.....	.....	.....	45 0 0	
...	...	Nawadahben, Pergunnah Arrah ...	3 2 30½	.....	.....	.....	55 0 0	
...	...	Koerdeh, Pergunnah Beeheea ...	1 0 17	.....	.....	.....	5 0 0	
...	...	Jogeebeer, Pergunnah Beeheea ...	2 0 10	.....	.....	.....	30 0 0	
...	...	Dhakyech, Pergunnah Bhojepore ...	4 0 31½	.....	.....	.....	32 0 0	
...	...	Bhojepore Jadeed, Pergunnah Bhojepore ...	0 1 13½	.....	.....	.....	5 0 0	
...	...	Buroona Beetulpore, Pergunnah Bhojepore ...	1 0 15½	.....	.....	.....	10 0 0	
...	...	Jugdeespore, Pergunnah Bhojepore ...	1 3 34½	.....	.....	.....	32 0 0	
...	...	Chousakhass, Pergunnah Chousa ...	2 0 1½	.....	.....	.....	16 0 0	
...	...	Khelaftupore, Pergunnah Chousa ...	10 2 33½	.....	.....	.....	85 0 0	

SHAHABAD COLLECTORATE,
The 4th October 1866.

H. ALEXANDER,
Collector.

NOTICE is hereby given that the Proprietary right of Government to the under-mentioned Estates, situated in the District of Sylhet, will be put up to sale, in the Sylhet Collectorate, on Tuesday, the 4th December 1866, corresponding with 20th Agrahan 1273 B. S.

The Purchasers of these Estates will be subject to the Conditions of Sale notified under the signature of the Secretary to the Board of Revenue at the head of this Notice:—

Number of Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in Acres.	GOVERNMENT REVENUE.						Upset price.	REMARKS.
				Revenue assessed.		Road Cess.		Total.			
			A. R. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			
772	9735	Talook Sheik Haroo, Pergunnah Chaup Ghaut	2 3 0	7 15 0	0 2 0	8 1 0	15 14 0		} Will be sold retaining the Government Revenue.		
773	2980	Talook Joyram, Pergunnah Julsooka	27 2 38	2 0 0	0 0 3	2 0 3	4 0 0				
	39638	No. Mahamod Shoruff, Pergunnah Khaleeshabun Bag	0 2 3	.....	.....	.....	17 8 0		
774	2891	No. Keshno Gobind Surmah, Pergunnah							} Will be sold Revenue free.		
775		Dacca Duckin	1 0 26	.....	.....	.....	2 7 2		

T. WALTON,
Collector.

NOTICE

Is hereby given that the Proprietary right in the Government Estate, Hat Chitla, No. 1069, of the 24-Pergunnahs' Collectorate, situated in Pergunnah Magoorah, in the District of the 24-Pergunnahs, will be put up to sale at the Office of the Collector of the 24-Pergunnahs on the 1st day of February 1867.

2. The Estate will be sold to the highest bidder above (7,000 Rupees) seven thousand Rupees.

3. The Estate consists of 13bgs. 6cot. 5ch. of Chanduee land (more or less), and of 3bgs. 17cot., 15ch., more or less, on which the well-known Chitla Hat is held.

4. The purchase will take effect from the 1st of May 1867, from which date the Purchaser will acquire the proprietary right, subject to its liabilities for the eleven months, from 1st of May 1867 to 31st March 1868; the Purchaser will be liable to pay Rupees 3,208 as Government revenue. From the 1st of April 1868 to the 31st March 1869, and for every subsequent year, the demand of Government revenue will be Rupees 3,500.

5. Intending bidders can see all papers and learn all particulars by calling at the Office of Mr. Deputy Collector Heysham at Alipore.

6. The sale will be subject to the following Conditions:—

I. One-fourth of the amount bid must be immediately deposited, otherwise the Estate will be at once put up to sale again.

II. If the balance of purchase money be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or, if that day be a close holiday, then by noon of the first succeeding Office day, the sale will be cancelled, (the sum deposited being forfeited to Government,) and the Estate will be again put to sale, at the risk of the defaulting Purchaser, after issue of advertisement, as in the case of original sale.

III. In addition to the ordinary Government revenue fixed on the Estate, the Purchaser shall be bound to pay, for the construction of roads and improvement of communications, one per cent. on the Government revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of revenue.

H. L. DAMPIER,
Commissioner of the Nudda Division.



APPENDIX (No. II.) TO
The Calcutta Gazette.

WEDNESDAY, NOVEMBER 7, 1866.

LAND SALE NOTICE.

NOTICE is hereby given that the notice of sale of Class I. permanently-settled Estates, being Towjees Nos. 1298 and 1299, seven annas and five annas twelve gundah shares of Pergunnah Suryle, respectively, which appeared in the *Calcutta Gazette* of 10th and 24th October, under date 3rd October 1866, is hereby cancelled.

TIPPERAH,
The 30th October 1866. }

F. G. MILLETT,
Collector.



The Calcutta Gazette.

WEDNESDAY, NOVEMBER 14, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII of 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

WHEREAS it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immoveable property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable; It is hereby enacted as follows:—

1. Section 3 of Act XXIV of 1841 (for the greater uniformity of the Law administered by Her Majesty's

Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters, and so much of Act XIV of 1852 (for extending the provisions of Acts XXIV of 1841 and XVII of 1843 to the Straits Settlement), as extends the provisions of the said Section to the Settlement of Prince of Wales' Island, Signapore, and Malacca, are hereby repealed: Provided that all proceedings under the said Section or Act commenced before this Act comes into operation, may be proceeded with under the said Section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

2. In this Act, unless there be something repugnant in the subject or context—

"Immoveable property" shall extend to and include messuages, tenements, and hereditaments, corporeal

and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock" shall mean any fund, annuity or security transferable in books kept by any company or society established or to be established, or transferable by Deed alone, or by Deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1854, or at any port in British India:

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immoveable property:

"Contingent right" as applied to immoveable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibly be or be not ascertained; also a right of entry, whether immediate or future and whether vested or contingent:

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable

assurance for conveying or disposing to another immoveable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 (to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable):

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such stock or Government securities from himself to another:

"High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic.,

cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act :

"Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust" and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of Executor or Administrator of a deceased person :

"Lunatic" shall mean any person who shall have been found by due course of law to be of unsound mind and incapable of managing his affairs :

"Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs :

In the case of a will made or an intestacy occurring before the first day of January 1866, "heir"

"Heir" and "Devisee" shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property : and "devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent :

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate ; and "devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession :

"Mortgage" shall be applicable to every estate or interest in immoveable or moveable property which would in the High Court be deemed merely a security for money :

"Person" shall include any Company or association, or body of persons whether incorporated or not :

Words importing the singular number only shall extend to several persons or things ; words importing the plural number shall apply to one person or thing ; words importing the masculine gender shall extend to a female.

8. The powers and authorities given by this Act to the High Courts shall and may be exercised only in cases to which English law is applicable, and may be exer-

cised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

4. When any lunatic or persons of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct ; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

5. When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct ; and the order shall have the same effect as if the Trustee or Mortgagee had been sane and had duly executed a deed so releasing or disposing of the contingent right.

6. When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof : and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to use for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

7. When any stock or Government securities shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, in any person or persons the said Court may appoint.

8. Where any minor shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful

High Court may convey estates of lunatic Trustees and Mortgagees ;

And may convey contingent rights.

High Court may transfer stock or Government securities of lunatic Trustees and Mortgagees.

Power to transfer stock or Government securities of deceased persons.

The High Court to have jurisdiction in what cases.

High Court may convey estates of minor Trustees and Mortgagees.

for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate,

9. Where any minor shall be entitled to any contingent right in any immovable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

10. When any person solely holding any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

11. When any person or persons shall hold any immovable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other persons or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

12. When any person solely entitled to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

13. When any person jointly entitled with any other person or persons to a contingent right in any immovable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with

any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

14. Where there shall have been two or more persons jointly holding any immovable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting to such property in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

15. Where any one or more person or persons shall have held any immovable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

16. When any person holding any immovable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

17. When any immovable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person, or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

18. In every case where any person holds or shall hold jointly or solely any immovable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said

When it is uncertain which of several Trustees was the survivor.

When it is uncertain whether the last Trustee be living or dead.

When Trustee dies without an heir.

Contingent right of unborn Trustee.

Power to make an order for vesting the estate on refusal or neglect of a Trustee to convey or release.

Contingent rights of minor Trustees and Mortgagees.

High Court may convey the estate of a Trustee out of the jurisdiction of the Court.

High Court may make order in cases where persons hold immovable property in trust jointly with persons out of jurisdiction of Court, &c.

Contingent rights of Trustees.

High Court may make order in cases where persons are jointly entitled with others out of the jurisdiction of the Court to a contingent right in immovable property.

property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

19. When any person to whom any immovable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found :

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person :

When it shall be uncertain which of several devisees of such Mortgagee was the survivor :

When it shall be uncertain as to the survivor or several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead.

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee :

And the order of the said High Court made in any one of the foregoing cases shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immovable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In

Power to appoint a person to convey in certain cases.

every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the Secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

When Trustees of stock or Government securities out of the jurisdiction.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

When Trustee of stock, &c., refuses to transfer.

23. Where any one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the directions of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons whom the said Court may appoint jointly with such other Trustee or Trustees.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be cut of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof in any person or persons whom the said Court may appoint.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person is whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in respect thereof in any person or persons, such legal right shall vest

accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on commence and prosecute, in his or their own name of names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

27. Where any person shall neglect or refuse to transfer any stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest, or income thereof, or to sue and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

29. When any order being or purporting to be under this Act, shall be made by the High Court, vesting the right to any stock or Government securities, or vesting the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order. All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons

On neglect to transfer stock, &c., for 28 days, order may be made vesting right to transfer in such person as the Court shall appoint.

On like neglect by executor similar order may be made.

Companies and associations to comply with such orders.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

Effect of an order vesting the legal right to transfer stock, &c.

Effect of an order vesting the legal right to sue for or recover anything in respect thereof in any person or persons.

the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

When a decree is made for sale of immoveable property for payment of debts.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon

coming into existence, would be trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights, and interests of such persons born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights, and interests of trustees born or unborn.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Power to make directions how the right to transfer stock shall be exercised.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to

Power to Court to make order appointing new Trustees.

do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees, whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

New Trustees to have powers of Trustees appointed by decree in suit.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

Power to Court to vest immoveable property in new Trustee.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent

Power to Court to vest right to sue in new Trustees.

order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than an appointment of new Trustees under any power for that

Old Trustees not to be discharged from liability.

purpose contained in any instrument would have done.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

Who may apply.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

Application may be by petition.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judges of the Court to inquire into any facts which require such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

What may be done upon petition.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of the Act.

Court may dismiss petition with or without costs.

43. Whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

Power to make an order in a cause.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it

Orders made by the High Court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee, then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by the decree of the said Court, or by order made upon a petition to the said Court.

Trustees of charity.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such money is payable to pay the same into the High Court in trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way, to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

Money of minors and persons of unsound mind to be paid into Court.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always,

Court may make a decree in the absence of a Trustee.

that not such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immovable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfer to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immovable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as as the said Court shall think proper.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section I of Act XXXIV of 1858 (to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter), and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.

54. This Act may be cited as "The Indian Trustee Act, 1866."

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court, of Judicature of the Settlement of Prince of Wales' Island, Singapore, and Malacca, with respect to moveable and immovable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES.

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVIII of 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages, and Wills, and to amend the Law of property and relieve Trustees.

WHEREAS it is expedient that in cases to which English law is applicable certain powers and provisions usually inserted in Settlements, Mortgages, Wills, and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such cases Trustees should be relieved; It is enacted as follows:—

1. In the construction of this Act, unless there be something repugnant in the subject or context, "Immoveable Property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth:

"Mortgage" shall be taken to include every instrument by virtue whereof immovable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt:

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made:

"Mortgagee" shall be taken to include every person to whom or in whose favor any such conveyance, pledge, or charge as aforesaid is made or transferred: and

"High Court" means any Court established or to be established under Statute 24 and 25 Vic. Chap. 104, and includes the Chief Court of the District

and the Court of the Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immovable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale, as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

4. For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

5. The money so received upon any sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid: Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

6. Where any principal money is secured or charged by deed on any immovable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have been in arrear for six months, or after any omission to pay premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,—

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale or buy in and re-sell the property, from time to time, in like manner;

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorized exercise of such power, shall have his remedy in damages against the person or persons selling.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to

Powers of Mortgagees.

6. Where any principal money is secured or charged by deed on any immovable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have been in arrear for six months, or after any omission to pay premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,—

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale or buy in and re-sell the property, from time to time, in like manner;

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorized exercise of such power, shall have his remedy in damages against the person or persons selling.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to

authorize the mortgage of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a re-

ceiver, and new receivers may be appointed from time to time.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission, not exceeding five per centum on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five per centum on such gross amount.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates, and assessments whatever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns every such license shall, unless otherwise expressed, extend only to permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be liable as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made punishable by such license, in the same manner as if no such license had been given; and the condi-

tion or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or under-let his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or under-let part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, and deed, will be entitled to the benefit of all conditions, covenants, and powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

24. A deed hereafter executed in the presence of and attested by two or more witness in the manner which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or at-

tested with some additional or other form of execution or attestation or solemnity: Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

25. Whereby any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of and legacy or other specific sum of money, and shall have bequeathed the property so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

26. The powers conferred by the last preceding Section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to intestate or testamentary succession, or to any person or persons who may be appointed under any Power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, and such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

29. In cases of intestacies occurring before the first day of January 1886, where there shall be a total failure of any immoveable property shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This Section shall be read as part of Act No. XXX of 1839 (for the amendment of the law of inheritance).

Assignment of Moveables and Terms for years.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

31. The *bona fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such charge of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his at-

taining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees, at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen. Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have been fully discharged and reformed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any, or if there be no such person, able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing, to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors, or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects as if he had been originally nominate a trustee by the deed,

will, or other instrument (if any) creating the trust. The Official Trustee may, with his consent and by the order of the High Court, be appointed under this Section in any case in which only one trustee is to be appointed, and such trustee is to be the sole trustee.

35. The power of appointing new trustees hereinbefore contained may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

Appointment of new trustee in place of trustee predeceasing testator.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Trustees' receipts to be discharges.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipt, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

Executors may compound, &c.

39. No trustee, executor, or administrator making any payment or doing any act *bond fide* under, or in, pursuance of any power of attorney, shall be liable for the moneys so paid or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bond fide* done as aforesaid, by such trustee, executor, or administrator, was not known to him: Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

Trustee, &c., making payment under power of attorney, not to be liable by reason of death of party giving such power.

40. When an executor or administrator liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or after the passing of this Act, to the testator or intestator whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor or administrator in respect of rents, covenants, or agreements.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation,) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said convey-

As to liability of executor, &c., in respect of rents, &c., in conveyance on rent-charge.

ance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send into the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

43. Any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management of administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such applica-

tion, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immoveable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

46. This Act may be called The Trustees and Mortgagees' Powers Act, 1866.

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

Simla, the 2nd October 1866.

THE following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
- Commencement of Act.
2. Repeal of Acts.
3. Interpretation Clause.
4. Nothing in Act to apply to British and Foreign Navies.

PART II.—*Of the Registry of Ships.*

5. Ships to be registered.
- Certificate of Registry.
6. Ports of Registry.
7. Registrars.
8. Book of Registry.
9. Declaration before Registering Officer.
10. Further declaration in absence of part owner.
11. Measurement to be made of ships before registry.
12. Rule of measurement.
13. Measurement of steam-vessels.
14. Alterations in steam-vessels requiring new registry.
15. Measurement of laden vessels.
16. Registered tonnage to be marked on main beam.
17. Registered tonnage to be repeated in every subsequent Register.
18. Fraudulent use of Certificate of Registry.
19. Change of Master.
20. Name of Ship.
21. Certificate of Building.
22. Loss of Certificate of Registry.
23. Detention of Certificate.
24. Registration *de novo*.
25. Testimony of Registering Officers.
26. False declaration. Falsifying documents.
27. Ships of Native States.
28. Issue of Passes to Ships of Native States.
29. Coasting ships may be registered and obtain Passes.
30. Fee for Certificate of Registry of such coasting ships.
31. Fees to be fixed by Governor General in Council.
32. Ships to belong to ports at which they shall be registered.

33. Registers and Certificates of Registry admissible in all Courts without proof or signature.

34. Register and Certificates of Registry to be *prima facie* proof of their contents.

PART III.—*Of Official Logs.*

35. Official Logs to be kept in form sanctioned by Local Government.
36. Entries to be made in due time.
37. Entries required in Official Log—
 - (1)—Convictions.
 - (2)—Offences.
 - (3)—Punishments.
 - (4)—Conduct, &c., of crew.
 - (5)—Illness and injuries.
 - (6)—Deaths on board.
 - (7)—Births on board.
 - (8)—Marriages on board.
 - (9)—Quitting ship.
 - (10)—Wages of men entering navy.
 - (11)—Wages of deceased seamen.
 - (12)—Sale of deceased men's effects.
 - (13)—Collisions.

38. Entries how to be signed.
39. Penalties in respect of Official Logs.
40. Entries in Official Logs to be received in evidence.
41. Official Logs to be delivered to Shipping Master on ship's arrival at port of destination in India.
42. Official Logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

PART IV.—*Of Enquiries into Wrecks.*

43. Enquiry may be instituted in cases of wreck and casualty.
44. Investigation.
45. Report.
46. In case of wreck of foreign ship, Consul to be deemed owner's agent.

PART V.—*Of Shipping Offices.*

47. Establishment of Shipping Offices.
48. Appointment, removal, and control of Shipping Masters and Deputies.
49. Business of Shipping Masters.
50. Fees to be paid upon engagements and discharges.
51. Fees by whom to be paid. Proviso as to excess.
52. Penalty on Shipping Master taking other remuneration.
53. Business of Shipping Office may be transacted at Custom House or elsewhere.

PART VI.—*Of the Examination and Certificates of Masters and Mates.*

54. Examinations.
55. Local Government to appoint examiners. Rules for conduct of examination. Fees.
56. Certificates of competency.
57. Certificates of service.
58. No foreign-going vessel and no Home-trade ship to go to Sea without certificated Master, &c.
59. Certificates for foreign-going ships available for Home-trade ships.
60. Record of grants, cancellations, &c., of Certificates of competency of service.
61. Loss of such Certificates.
62. Sections 54—61 not to apply to ships registered under this Act under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. Licenses to procure seamen.
64. Penalties—
 - (1)—For supplying seamen without license.
 - (2)—For employing unlicensed persons.
 - (3)—For receiving seamen illegally supplied.
65. Penalty for receiving remuneration from seamen for shipping them.
66. Agreements with seamen and others.
67. Contracts with lascars binding them to go to Australia, and thence to the United Kingdom.
68. Contracts with lascars binding them to go to the United Kingdom, and thence back to India.
69. For foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.
70. Engagements between Masters of foreign ships and lascars.
71. Fees payable in respect of such engagements.
72. Penalty for Master of foreign ship engaging lascars otherwise than is allowed by Sections 69 and 70.
Shipping Master may board foreign ships suspected of unlawfully shipping lascars.
73. Foreign-going ships making short voyages may have running agreements.
74. Engagement and discharge of seamen in the meantime.
75. Fees to be paid on such running agreements.
76. In Home-trade ships agreement to be entered into before Shipping Master or other witness.
77. Special agreements for Home-trade ships belonging to same owner.
78. Penalty for shipping seamen without agreement duly executed.
79. Changes in crew to be reported.
80. To prevent infraction of Act, Shipping Master may board vessel and muster seamen.
81. Production of agreements and certificates for foreign-going ships.
82. Production of agreement and certificates for Home-trade ships.

83. Alterations to be void, unless attested to have been made with consent of all parties.
84. Copy of agreement to be made accessible to crew.
85. Seamen discharged before voyage to have compensation.
86. Relief of destitute lascars.

PART VIII.—*Of Seamen's Wages.*

(a)—*Regulation of Advances.*

87. Regulation of advances and advance notes.
88. Advances improperly made not to be a discharge of wages.

(b)—*Allotment of Wages.*

89. Stipulations for allotment to be inserted in the agreement. Allotment notes.
90. Owner, &c., to pay to Shipping Master the sums allotted. Suits on allotment notes. Evidence.
91. Receipts and payments by Shipping Master on account of allotment notes.

(c)—*Discharge and payment of Wages.*

92. Discharge from foreign-going ships to be made before Shipping Master.
93. Master to deliver account of wages.
94. On discharge, Master to give seamen certificate of discharge, and return certificates of competency or service to Mates.
95. Shipping Master may decide questions which parties refer to him. Enforcement of award.
96. Masters and others to produce ship's papers to Shipping Masters, and give evidence.
97. Rules as to settlement of wages.

(d)—*Legal rights to Wages.*

98. Right to wages and provisions when to begin.
99. Seamen not to give up certain rights. Salvage services.
100. Wages not to be dependant on the earning of freight.
101. In case of death such wages to be paid as after-mentioned.
102. Right to wages in case of termination of service by wreck or illness.
103. Wages not to accrue during refusal to work or imprisonment.
104. Period within which wages are to be paid.
105. Wages payable in foreign coin to be recoverable at par in the current coin of India.

(e)—*Mode of recovering Wages.*

106. Seaman may sue summarily before any Magistrate for wages not exceeding Rs. 500. Order of Magistrate to be final.
107. Levy of wages by distress.
108. No suit for wages under Rupees 500 to be instituted in Admiralty Court, &c., except in certain cases.
109. Master to have same remedies for wages as seamen.

PART IX.—Of the Wages and Effects of deceased Seamen.

110. Master to take charge of effects of deceased seamen.
111. Effects and wages to be paid to Shipping Master with full accounts.
112. Penalties for not taking charge of or accounting for such monies and effects.
113. Wages and property of deceased seamen may be paid without probate.
114. Disposal of wages and effects of deceased seamen not claimed within one year. Provision where subsequent claim made thereto.

PART X.—Of the Provisions, Health, and Accommodation of Seamen.

115. Survey of provisions and water on complaint made.
116. Forfeiture for frivolous complaint.
117. Allowance for short or bad provisions.
118. Medicines, &c., to be provided and kept on board certain ships.
119. Masters to keep weights and measures on board.
120. Expense of medical attendance and subsistence in case of illness how to be defrayed.
121. Place of shelter to be appropriated.
122. Shipping Master may board any ship and inspect provisions, &c., Procedure if provisions, &c., are found to be of bad quality.

PART XI.—Of Complaints by Seamen.

123. Seamen to be allowed to go on shore to make complaints to a Magistrate.

PART XII.—Of the Protection of Seamen from imposition.

124. Sale of and charge upon wages to be invalid.
125. No debt exceeding Rupees 3 to be recoverable till end of voyage.
126. Penalty for overcharges by lodging-house keepers.
127. Penalty for detaining seamen's effects.
128. Persons not to go on board before final arrival of ship.
129. Penalty for solicitations by lodging-house keepers.

PART XIII.—Of Discipline.

130. Penalty for misconduct endangering ship, or life, or limb.
131. Admiralty Court in India may, in certain cases, remove Master and appoint a new Master.
132. Court authorized to make enquiries into charges against Masters, Mates and Engineers and to report to Local Government.
133. Procedure of Court.
134. Local Government may direct investigation in cases of incompetency or misconduct.
135. Powers of Court, &c., in making enquiries.
136. Local Government may cancel or suspend certificates in certain cases.
137. Master, Mate, or Engineer to deliver up his certificate. Penalty for not delivering it.
138. Saving of powers vested in certain Admiralty Courts. Same powers may be exercised by Chief Criminal Court in any Indian port, and where there is no Admiralty Court.

139. Offences of seamen and apprentices, and their punishments—

- (1)—Desertion.
- (2)—Neglecting or refusing to join or to go to sea. Absence within twenty-four hours before sailing, and absence without leave.
- (3)—Quitting without leave before ship is secured.
- (4)—Act of disobedience.
- (5)—Continued disobedience.
- (6)—Assault on Officer.
- (7)—Combining to disobey.
- (8)—Wilful damage and embezzlement.
- (9)—Act of smuggling, causing loss to owner.

140. Entry of offences to be made in Official Log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.
141. Seamen whom Masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.
142. Master or owner may apprehend deserters without warrant.
143. Deserters may be sent on board in lieu of being imprisoned.
144. Seamen imprisoned for desertion, or breach of discipline, may be sent on board before termination of sentence.
145. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.
146. Facilities for proving desertion so far as concerns forfeiture of wages.
147. Costs of procuring imprisonment may, to the extent of Rs. 30, be deducted from wages.
148. Ascertainment of amount of forfeiture when seamen contract for the voyage.
149. Application of forfeitures.
150. Questions of forfeitures may be decided in suits for wages.
151. Penalty for false statement as to last ship or name.
152. Fines to be deducted from wages and paid to Shipping Master.
153. Penalty for enticing to desert and harbouring deserters.
154. Penalty for obtaining passage surreptitiously.
155. On change of Masters documents hereby required to be handed over to successor.

PART XIV.—Of Passengers by Sea.

Chapter 1.—Of Native passengers between India and the Red Sea or Persian Gulf.

156. What shall be deemed a Native passenger ship within the meaning of Sections 157—174 of this Act.
157. Native passenger ship to sail only from ports appointed by Local Government.
158. Native passenger ships not to sail without obtaining certificate.
159. Penalty for breach of provisions in Section 157, 158.
160. Appointment of Officers to act under Section 157.
161. Master to give notice of day of sailing, &c.
162. Power to enter and inspect ship.
163. Ship may be surveyed.

164. Officer to be satisfied before giving certificate—

- (1)—That the ship is sea-worthy.
- (2)—That the space between decks for passengers is sufficient.
- (3)—That the space on the upper deck is sufficient.
- (4)—That there is a due supply of provisions.

165. Number of passengers.

166. List of passengers.

167. Ship taking additional passengers, and touching at intermediate port.

168. Penalty for fraudulent alteration in ship after certificate has been obtained.

169. Information to be transmitted to ports of embarkation.

170. Report of Consul, &c., to be admissible in evidence.

171. Length of voyage to be fixed by proclamation.

172. Quantity of provisions and water to be shipped.

173. Contract by passengers for supply of their own provisions.

174. Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

175. Nothing in Sections 186—174 to apply to ships under contract with European Governments, or to steamers conveying public Mails.

Chapter 2—Of Native Passengers in the Bay of Bengal.

176. Number of Native passengers to be carried in unlicensed vessels.

177. Number of Native passengers to be carried in licensed vessels.

178. Penalty on Master of unlicensed vessel.

179. Penalty on Master of licensed vessel.

180. Government to appoint ports for shipment of passengers when the number to be carried is greater than one to every four tons.

181. Grant of licenses to vessels.

182. Certain licensed passenger vessels to carry provisions according to appointed scale.

183. Penalty for omitting to supply passengers with prescribed allowance of food and water.

184. Supply of provisions on board passenger-ships plying to and from Ceylon.

185. List of passengers to be signed by master. Additional passengers.

186. Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorized proportion.

187. Penalty for impeding entry or inspection.

188. Penalty for landing Native passengers at places other than that at which they have contracted to land.

189. Native passenger's right of suit preserved.

Chapter 3—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. Sections 191, 192, 193 to apply to passengers on certain voyages.

191. Governors or Consuls may pay expenses of passengers taken off a passenger ship.

192. Governors or Consuls may send on passengers if master of ship fail to do so.

193. Expenses incurred under Sections 190, 192, to be a Crown debt.

Passengers forwarded under Section 192, not to be entitled to compensation.

194. Certificates to be furnished to coasting steam-vessels intending to carry passengers.

Chapter 4—Of Coasting Passenger Steamers.

195. Grant and contents of such certificates.

196. Copy of certificate to be placed in conspicuous part of steamer.

197. Penalty for exceeding number specified in certificate.

198. Penalty for proceeding without certificate.

199. Grant of certificate to be subject to control of Government.

PART XV.—Of Procedure.

200. Depositions to be received in evidence when witnesses cannot be produced.

201. Adjudication of offences and recovery of penalties.

202. Wages, penalties, &c., payable by master or owner, may be levied by distress of ship.

203. Jurisdiction.

204. By whom proceedings for penalties under Sections 188, 193, and 194 are to be instituted.

205. Application of penalties.

First Schedule. (Acts repealed by Section 2.)

Second Schedule:—

Table A. (Fees to be charged for matters transacted at Shipping Offices.)

Table B. (Sums to be deducted from wages by way of partial re-payment of fees in Table A.)

Third Schedule. (Form required by Section 185.)

A Bill to consolidate and amend the law relating to Merchant Ships, Seamen, and Passengers by Sea.

WHEREAS it is expedient to consolidate and amend the law relating to Merchant Ships, Seamen, and Passengers by Sea; It is hereby enacted as follows:—

PART I.—Preliminary.

1. This Act shall be called "The Indian Shipping Act, 1867," and shall come into operation on the 1st of March 1867.

2. The Acts specified in the first Schedule hereto are hereby repealed, except as to the repeal of Acts and parts of Acts effected thereby; and except as to acts done, penalties incurred, and agreements made before the passing of this Act. All things duly done under any of the Acts hereby repealed shall be considered as having been done under this Act.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India" means the territories which are or may become vested in Her Majesty or

Her Successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India;"

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII. of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*), a Joint-Magistrate and any person lawfully exercising the powers of a Magistrate and a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant;

"Local Government" means the person or persons for the time being immediately administering the Executive Government of that portion of British India where the port or place in question is situate;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Home-trade ship" includes every ship employed in trading between any ports of the said territories, or between any port of the said territories and any port or place on the Continent of India, or in the Island of Ceylon;

"Foreign-going ship" includes every ship employed in trading between any port of the said territories and any port or place not in the said territories, nor on the Continent of India, nor in the Island of Ceylon;

"Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman" includes every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship;

"Section" and "Part" respectively mean Section and Part of this Act.

Words importing the singular number include the plural: words importing the plural number include the singular: and words importing the masculine gender, include females;

"Person" includes any Company or Association or body of persons whether incorporated or not.

4. Nothing herein contained shall apply to ships belonging to or in the service of Her Majesty or belonging to any foreign Government; and nothing in Parts III to XIII, both inclusive, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any foreign Government.

Nothing in Act to apply to British and Foreign Navies.

PART II.—Of the Registry of Ships.

5. No ship shall be deemed a British ship under the proclamation issued by the Governor General of India in Council pursuant to the Statute 3rd and 4th Vic., Cap. 56, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned in British India, and shall have obtained

a certificate of such registry from the person authorized to make such registry, and grant such certificate as hereinafter directed. Such certificate shall be in the following form:—

"This is to certify that in pursuance of "The Indian Shipping Act, 1867" (*here insert the name or names, and occupation and residence, of subscribing owner or owners*) having made and subscribed the declaration required by the said Act, and having declared that he (*or they*) together with (*names, occupations, and residence of non-subscribing owners*), is (*or are*) sole owner (*or owners, in the proportions specified on the back hereof*), of the ship called the (*ship's name*), of (*place at which the ship shall be registered*), which is of the burthen of (*number of tons*), and whereof (*master's name*) is master; and that the said ship was (*when and where built*), and (*name and employment of Surveying Officer*) having certified to us that the said ship has (*number*) decks and (*number*) masts, that her (*here insert the measurement as ascertained by the rules hereinafter mentioned*), that she is (*how rigged*) rigged with a (*standing or running*) bowsprit, is (*description of stern*) sterned, (*carvel or clincker*) built, has (*whether any or no*) gallery, and (*kind of head, if any*) head; and the said subscribing owner or owners having consented and agreed to the above description, the said ship called the (*name*) has been duly registered at the port of (*name of port*), certified under our hands at the Custom House, in the said port of (*name of port*), this (*date*) day of (*name of month*) in the year (*words at length*).

(Signed) _____

Collector or Registrar of Shipping.

And on the back of such Certificate of Registry there shall be an account of the parts or shares held by each of the owners (where there are more owners than one) mentioned and described in such certificate, in the form and manner following:—

Names of several owners within mentioned.	Number of shares held by each owner.
Name ...	... Thirty-two.
Name ...	... Sixteen.
Name ...	... Eight.
	&c., &c."

(Signed) _____

Collector.

6. The ports at which registration shall be made, shall be the ports of Registry. Calcutta, Madras, Bombay, and such other places subordinate to the Local Governments of British India, as such Governments respectively may, from time to time, declare to be registering ports under this Act: Provided that ships built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place. Such certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a Certificate of Registry, and shall specify the ports at which it is intended that they shall respectively be registered, and shall have all the effect of a Certificate of Registry under this Act, during the first voyage from the place of

building to the ports at which the ships respectively shall be afterwards registered: Provided that such ship so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or master of such ship shall be liable, on information in any Court in British India by the Advocates-General of the respective Presidencies, to a penalty not exceeding five thousand Rupees.

7. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the collector of duties at any port in the said territories, and such other different persons as the Local Government may, from time to time, appoint in that behalf.

8. At every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer in which all the particulars contained in the form of the Certificate of the Registry hereinbefore directed to be used shall be duly entered. Every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each year: And such Registering Officer shall forthwith, or within one month at the furthest, send to the Local Government to which he is subordinate a true copy, together with the number of every certificate which shall be by him so granted.

9. No registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship required to be registered:—

I, *A B*, of *(place of residence and occupation)*, do truly declare that the ship *(name)* of *(port or place)* whereof *(master's name)* is at present master, being *(kind of build, burthen, &c., as described in the certificate of the Surveying Officer)*, was *(when and where)* built, and that I the said *(A B)* and the other owners *(names and occupations, if any, and where they respectively reside)* am *(or are)* sole owner *(or owners)* of the said ship, and that no other person or persons whatever hath or have any right, title, interest, share or property therein or thereto; and that I the said *(A B)* and the said other owners *(if any)* am *(or are)* truly and *bona fide* a subject *(or subjects)* of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship.

Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate; and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

10. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner as shall personally attend and make and subscribe the declaration aforesaid shall further

declare that the part owner or part owners of such ship then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his knowledge or belief, wilfully absented himself in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is prevented by illness from attending to make and subscribe the said declaration.

11. Previous to the registering or granting of any Certificate of Registry as aforesaid, some person appointed by the Local Government taking to his assistance, if he shall judge it necessary, some person skilled in the building and admeasurement of ships shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and admeasure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner, or in his absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship as are specified in the form of the certificate above recited to the Officer authorized to make such Registry and grant such Certificate of Registry as aforesaid. The said master, or other person attending on the part of the owner, is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof: provided such master or other person shall consent and agree to the several particulars set forth and described therein.

12. From and after the commencement of this Act, the tonnage of every ship required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post, into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts, and measure the inside breadths at the following points, *videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck,

or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

13. In each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the ship as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner (that is to say),—measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

14. The tonnage due to the cubical contents of the engine-room and also the length of the engine-room, shall be set forth in the Certificate of Registry as part of the description of the ship, and any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry *de novo*.

15. For the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established (that is to say),—measure, *first*, the length on the upper deck between the afterpart of the stem and the forepart of the stern-post; *secondly*, the inside breadth on the underside of the upper deck at the middle point of the length; and, *thirdly*, the depth from the underside of the upper deck down the pump well to the skin: multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

16. The true amount of the register tonnage of every merchant ship belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship, prior to her being registered.

17. Whenever the tonnage of any ship shall have been ascertained according to the rules herein prescribed, such amount of tonnage shall ever after be deemed the tonnage of such ship, and shall be repeated in every subse-

quent registry of such ship, unless it shall happen that any alteration has been made in the form or burthen of such ship, or it shall be discovered that the tonnage of such ship had been erroneously taken and computed.

18. If such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any ship other than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding ten thousand Rupees. In case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding five thousand Rupees. If any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship, and the same shall be within the limits or any port of British India, then and in such case the Certificate of Registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the Registering Officer at such port, and if such ship shall be in any place not within British India when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

19. When and so often as the master of any ship registered in manner hereinbefore directed shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such Certificates of Registry at the port where such change shall take place, if it be a port within British India the Certificate of Registry belonging to such ship, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change

Measurement of steam vessels.

Alterations in steam-vessels requiring new registry.

Measurement of laden vessels.

Registered tonnage to be marked on main beam.

Registered tonnage to be repeated in every subsequent register.

Fraudulent use of Certificate.

* sold, lent, or otherwise disposed of to any person other than those for whose

Change of Master.

do not take place in any port within British India, then such delivery, memorandum, and endorsement shall be made, and notice given at the first port within British India at which the new master shall arrive after such change. In default of such delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five thousand Rupees.

20. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act. The owner of every ship which shall be so registered, shall, before such ship, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same. If such owner or master of such ship shall permit such ship to begin to take in cargo before her name has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship to be described by any other name to any Officer of Revenue in the due execution of his duty, then and in every such case the Certificate of Registry shall thenceforth become void, and such owner or master of such ship shall be liable, on information as aforesaid, to a penalty not exceeding ten thousand Rupees.

21. Every person who shall apply for Certificate of the Registry of any ship, shall, and is hereby required to produce to the person authorized to grant such certificate, a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship was built, and also an exact account of her tonnage, and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same as that which is so described by the builder as aforesaid.

22. If the Certificate of Registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for her use when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted: Provided always that if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship, and such license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act: Provided always that if the Certificate of Registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate, and the renewed certificate and license shall thenceforth become void. Any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

23. In case any person who shall have received or obtained by any means, or for any purpose whatever, the Certificate of the Registry of any such ship (whether he shall claim to be the master or to be the owner or one of the owners of such ship, or not), shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession, and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall, and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal. If it shall appear to the said Justice on examination of such person, or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said person, he shall be subject, on conviction before such Justice, to a penalty not exceeding one thousand Rupees; and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person who granted such Certificate of Registry for such ship who shall, on the terms and conditions of law being complied with, make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo*. If the person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship was registered, it shall be lawful for the said Officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship in like manner as is hereinbefore provided in the case wherein the Certificate of Registry is lost or mislaid.

24. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry,

Registration *de novo*.

or if any alteration shall take place in the ownership of any ship, or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within British India, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five thousand Rupees.

25. The Registering Officer at any port or place, and the person acting for him, shall, upon every reasonable request by any person whomsoever, produce and exhibit for his inspection and examination any declaration made by any such owner, and also any register or entry in any book of registry required, and shall upon every reasonable request by any person whomsoever permit him to take a copy, or extract thereof respectively. The copy of any such oath or declaration, registry or entry, shall, upon being proved to be a true copy thereof respectively, be received as evidence upon every trial without the production of the original, and without the testimony or attendance of any Registering Officer, or other person acting for him respectively, in all cases, as fully as such original if produced by any Registering Officer, or other person acting for him, could or might legally be admitted or received in evidence.

26. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeited, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall, for every such offence, be liable on conviction upon information as aforesaid, to a penalty not exceeding ten thousand Rupees. If any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

27. When any ship duly registered under this Act, or under any statute for the time being in force in the United Kingdom, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State, it shall be lawful for the Local Government to continue to such ship the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Seal of the Local Government and subscribed by a Secretary to such Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last. It shall be lawful for the Local Government to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of his or its subjects: Provided always

that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General of India in Council has power to legislate.

28. The passes which, under the last preceding section of this Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with, the Government of India, may be issued in the like cases, and under the same restrictions, to any ship belonging to any such Native Prince or State, or his or its subjects, wherever the same may have been built.

29. All ships of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under this Act, or owned by such Native Princes or States, or by their subjects, entitled to passes under this Act, employed only in coasting voyages or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Local Government.

30. The owners of coasting vessels, registered under Section 29, shall pay for each Certificate of Registry—

For a vessel not exceeding the burthen of four tons, one Rupee;
Exceeding four tons and not exceeding twenty tons, five Rupees;
Exceeding twenty tons and not exceeding eighty tons, seven Rupees;
Exceeding eighty tons, for each ton two annas.

Such fees shall be carried to the credit of the Local Government.

31. Subject to the provisions contained in Section 30, fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General of India in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships at the different Presidencies.

32. All ships registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered. All ships being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. Such ships built and owned as required by the Statute 3 and 4 Vic., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of

the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships built and owned as aforesaid might be deemed British ships for the purposes of trade.

33. Every register of a ship kept under this Act, or under any of the Acts of Parliament relating to the registry of British ships, may be proved in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any suit or other proceeding in any such Court, either by production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original. Such person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee.

34. Every such register, or such copy of a register, and also every Certificate of Registry granted under this Act, or any of the said Acts of Parliament, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive and examine evidence as aforesaid, as *prima facie* proof of all the matters contained or recited in such register, when the register or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said certificate is produced.

PART III.—Of Official Logs.

35. An official log-book of every ship registered at any port or place in British India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the Local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

36. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

37. Every master of a ship for which an official log-book is hereby required, shall make or cause to be made therein entries of the following matters (that is to say),—

(1)—Every legal conviction of any member of his crew, and the punishment inflicted:

(2)—Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as required by Section 140:

(3)—Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4)—A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

(5)—Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6)—Every case of death happening on board, and of the cause thereof:

(7)—Every birth happening on board, with the sex of the infant, and the names of the parents:

(8)—Every marriage taking place on board, with the names and ages of the parties:

(9)—The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

(10)—The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

(11)—The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

(12)—The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

(13)—Every collision with any other ship, and the circumstances under which the same occurred.

38. The entries hereby required to be made in official log-books shall be signed as follows (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

39. The following offences in respect of official log-books shall be punishable as hereinafter mentioned (that is to say),—

(1)—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such

Registers and Certificates of Registry admissible without proof of signature.

Register and Certificate of Registry to be *prima facie* proof of contents.

Official logs to be kept in forms sanctioned by Local Government.

Entries to be made in due time.

Entries required in official log.

Convictions.

Offence.

Punishment.

Conduct, &c., of crew.

Illness and injuries.

Deaths.

Births.

Marriages.

Quitting ship.

Wages of men entering Navy.

Wages of deceased seamen.

Sale of deceased men's effects.

Collisions.

Entries how to be signed.

Penalties in respect of official logs.

log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

(2.)—Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in British India, more than twenty-four hours after such arrival shall, for each such offence, incur a penalty not exceeding three hundred Rupees.

(3.)—Every person who wilfully destroys or mutilates or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

40. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

41. The master of every foreign-going ship shall within forty-eight hours after the ship's arrival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons, shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in British India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

42. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 35, the master or owner thereof shall, if such ship is then in any port in British India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees; and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees.

PART IV.—Enquiries into Wrecks.

Enquiry may be instituted in cases of wreck and casualty.

43. In any of the cases following (that is to say),—

Whenever any ship, whether British or foreign, is lost, abandoned, or materially damaged on or near the coasts of British India;

Whenever any such ship causes loss or material damage to any other such ship on or near such coasts;

Whenever, by reason of any casualty happening to or on board of any such ship on or near such coasts, loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to, or on board any ship registered at any port or place in British India, under the Merchant Shipping Act, 1854, or under this Act:

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred in British India; but if elsewhere, at or near the place where such witness as hereinafter mentioned arrive or are found to give notice of the same to the Local Government: It shall be lawful for the Local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the Local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held, the other may be any person conversant with maritime affairs.

44. The persons appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

45. Upon the conclusion of the case the persons appointed to investigate shall send a report to the Local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they may think fit.

46. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coast of British India, or belonging to or forming part of the cargo thereof, are found on or near such coast, or are brought into any port in British India, any Consular Officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

PART V.—Of Shipping Offices.

47. A Shipping Office shall be established at each of the ports of Calcutta, Madras, and Bombay, and at such other other ports as the Governor General of India in Council

shall hereafter deem necessary. For every such Office there shall be a Superintendent, to be called a "Shipping Master," with such necessary deputies, clerks, and servants, at such salaries, and subject to such regulations as the Local Government shall, from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any deputy duly appointed shall have the same effect as if done by or before a Shipping Master.

48. The Local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government, or of any intermediate authority which it may appoint.

49. It shall be the general business of the Shipping Masters appointed under this Act to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act No. XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

50. Such fees, not exceeding the sums specified in the Table marked (A) in the second Schedule to this Act, as are, from time to time, fixed by the Local Government shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being shall be conspicuously placed in the Shipping Offices; and all Shipping Masters, their deputies, clerks, and servants may refuse to proceed with any engagement, unless the fees payable thereon are first paid.

51. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sum not exceeding the sum specified in that behalf in the Table marked (B) in the second Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct, exceed the amount of the fee payable by him, such excess shall be paid by him to the Shipping Master in addition to such fee.

52. Any Shipping Master, Deputy Shipping Master, or any clerk or servant in any Shipping Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred Rupees, and shall also be dismissed from his office.

53. The Local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct, and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

PART VI.—Of the Examinations and Certificates of Masters and Mates.

54. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of Home-trade ships, of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

55. The Local Government or any Board or Officer duly authorized by the Local Government in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination. The Local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations, and as to the qualifications to be required, and such rules shall be strictly adhered to by all examiners. Fees at the following rates shall be paid by all applicants for examination:—

For a certificate as Master ...	Ten Rupees.
Ditto ditto as Mate ...	Five "

56. The Local Government or such Board or Officer as aforesaid shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of a foreign-going ship, or of a Home-trade ship, of a burden exceeding three hundred tons, as the case may be.

57. Certificates of service differing in form from certificates of competency shall be granted as follows (that is to say),—

(1)—Every person who, before the passing of this Act, has served as master in the British merchant service or as master of any foreign-going ship registered under Act No. X. of 1841, or who shall attain or has attained the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master for foreign-going ships :

(2)—Every person who, before the passing of this Act, has served as mate in the British merchant service or as mate of any such ship as aforesaid, shall be entitled to a certificate of service as mate for foreign-going ships :

(3)—Every person who, before the passing of this Act, has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships :

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered ; and the Local Government or such other authority as aforesaid shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

58. No foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any port in British India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act, 1854 ; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, be liable to a penalty of five hundred Rupees.

59. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship ; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

60. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Local Government shall direct. A note of all orders made for cancelling, suspending, altering,

or otherwise affecting any certificate in pursuance of the powers hereinafter contained shall be entered in the record of certificates.

61. Whenever any master or mate proves to the satisfaction of the Local Government or such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

62. Sections 54 to 61 (both inclusive) shall not apply to ships registered under this Act, and trading between ports in India and the coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen.

PART VII.—Of the Engagement of Seamen.

63. The Local Government, or any Board or Officer duly authorized by the Local Government in that behalf may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

64. The following offences shall be punishable as hereinafter mentioned (that is to say),—

(1)—If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is *bona fide* the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

(2)—If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

(3)—If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

65. If any persons demand or receives, either directly or indirectly, from any seaman or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

No foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated master, &c.

Certificates for foreign-going ships available for Home-trade ships.

Record of grants, cancellations, &c., of certificates.

Loss of certificate.

Sections 54 to 61 of this Act not to apply to ships registered under this Act, under certain circumstances.

Licenses to procure seamen.

For supplying seamen without license.

For employing unlicensed persons.

For receiving seamen illegally supplied.

Penalty for receiving remuneration from seamen for shipping them.

66. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman and with every Native of British India not being a seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereafter mentioned; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof and shall be signed by the master before any seaman or other person aforesaid signs the same and shall contain the following particulars as terms thereof (that is to say),—

(1)—The nature and, as far as practicable, the duration of the intended voyage or engagement:

(2)—The number and description of the crew, specifying how many are engaged as sailors:

(3)—The time at which each seaman, and each Native of British India not being a seaman, is to be on board or to begin work:

(4)—The capacity in which each seaman, and each Native of British India not being a seaman, is to serve:

(5)—The amount of wages which each seaman and each Native of British India not being a seaman is to receive:

(6)—A scale of the provisions which are to be furnished to each seaman and to each Native of British India not being a seaman:

(7)—Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seaman, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided also that, in the case of

Proviso as to forms for British or Colonial ships.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seaman, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided also that, in the case of

Proviso where lascars, &c., are shipped.

lascars or other Native seaman, and every Native of

India not being a seaman, when it shall be agreed that the service of any such seaman or other person aforesaid shall end at any port not in British India, the agreement shall contain stipulations for providing for such seaman or other person aforesaid fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation

shall be signed by the owner of the vessel, or by the master on his behalf.

67. It shall be lawful for any master or owner of a ship or his agent to enter into contract with lascars or Natives of British India, binding them to proceed to any port or ports in the Australian Colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions: Provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country, and for other purposes as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such contract is, on arriving in any of the said Colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's Dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said Colony that such agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed for all purposes one of the crew of the ship. If he refuses to enter into such agreement, he shall notwithstanding such refusal be liable to the same consequences and be dealt with in all respects in the same manner as if he had voluntarily entered into the same. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the Colony may appoint.

68. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with lascars or Natives of British India, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that pur-

Contracts may be made with lascars binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that pur-

pose by the Government of India, that such further agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such lascar or other person to serve in, and that there is not in the opinion of such Officer any objection to the full performance of the said original agreement, such lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such Officer as aforesaid such fee as the Government of India may appoint, not exceeding ten shillings.

69. In the case of all foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements (that is to say),—

(1)—Every agreement made in any port in British India (except in such cases of agreements with substitutes as are hereafter specially provided for), shall be signed by each seaman in the presence of a Shipping Master.

(2)—Such Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(3)—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

(4) In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement, shall, when practicable, be made before some Shipping Master duly appointed in the manner hereinbefore specified. Whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

70. When the master of a foreign ship being at any port in British India engages any lascar or other Native seaman to proceed to any port out of British India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore

provided for the making of agreements in the case of foreign-going ships; and all the provisions of Sections 66 and 69 respecting the form of such agreements, and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in British India for an amount calculated at the rate of one hundred Rupees for every such seaman, and conditioned for the due performance of the said agreement and stipulations.

71. The fees prescribed in Section 51 shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

72. If any lascar or other Native seaman is engaged by the master of any foreign ship otherwise than is allowed in the two last preceding sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section 80 of this Act shall be applicable in respect of every such ship.

73. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in British India after such date, or the discharge of cargo consequent upon such arrival. Every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in any port in British India, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships.

74. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in British India before the final termination of the agreement, discharge or engage before the Shipping Master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port; or that all such discharges or engagements have been duly made as hereinbefore required; and shall deliver the agreement so endorsed to the Shipping Master. Any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding

For foreign-going ships agreements with seamen, except in special cases, to be made before and attested by a Shipping Master.

Agreement to be signed by seaman.

Shipping Master to cause agreement to be explained to seaman.

To be in duplicate.

Provision for substitutes.

Engagement between masters of foreign ships, and lascars.

Fees payable in respect of such engagements.

Penalty for master of foreign ship engaging lascars, otherwise than is allowed by Sections 71, 72.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.

Foreign-going ships making short voyages may have running agreements.

Engagement and discharge of seamen in the meantime.

two hundred Rupees. The Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

75. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

76. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seaman may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to foreign-going ships. In every case in which the engagement is not so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

77. In cases where several Home-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding any thing herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for Home-trade ships shall be applicable to agreements made in pursuance of this Section.

78. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner, and at the place and time hereby in such case required the master shall for each such offence incur a penalty not exceeding fifty Rupees.

79. The master of every foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving British India, sign and send to the nearest Shipping Master a full and accurate statement in form sanctioned by the Governor General of India in Council, of every change which takes place in his crew before finally leaving British India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

80. For the purpose of preventing any seamen from being shipped at any port in India contrary to the provisions of this Act, the Shipping Master by himself or his deputy may enter at any time on board any ship upon which he shall have

reason to believe that seamen have been shipped and may muster and examine the several seamen employed therein. Any person who shall obstruct the said Shipping Master or deputy in such duty, shall be liable to a penalty not exceeding one hundred Rupees.

81. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships (that is to say),—

(1)—The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

(2)—In the case of running agreements for foreign-going ships, the Shipping Master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Shipping Master the certificate of competency of service of any mate then first engaged by him a certificate to that effect.

(3)—The master of every foreign-going ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a port-clearance. No Officer of Customs or other Officer shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such Officer may detain her until such certificate as aforesaid is produced.

(4)—The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in British India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping Master at the place; and such Shipping Master shall thereupon give to the master a certificate of such delivery; and no Officer of Customs or other Officer shall clear any foreign-going ship inwards without the production of such certificate.

And if the master of any foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

82. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons (that is to say),—

(1)—No such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in British India after such date, or the discharge of cargo consequent upon such arrival.

(2)—The master or owner of every such ship shall, within twenty-one days after the thirtieth

Fees to be paid on such running agreements.

to be paid upon the engagement and discharge of seamen belonging to foreign-

In Home-trade ships agreement to be entered into before a Shipping Master or other witness.

Special agreements for Home-trade ships belonging to same owner.

Penalty for shipping seamen without agreement duly executed.

Changes in crew to be reported.

Production of agreements and certificates for foreign-going ships.

Rules as to production of agreements and certificates for Home-trade ships.

day of June and the thirty-first day of December in every year, or (if the ship is not at any port in British India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year), within forty-eight hours after her next arrival at any port in British India, transmit or deliver to some Shipping Master in British India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

(3)—The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a port-clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall, for every default, incur a penalty not exceeding fifty Rupees.

83. Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

84. The master shall, at the commencement of every voyage or engagement cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

85. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

86. The Government of India shall take charge of and send home, or otherwise provide for, all persons being lascars or other Natives of British India who are found destitute in the United Kingdom; and if any such person is relieved or maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the Post or otherwise, give notice thereof in writing to the Permanent Under-Secretary of State for India, specifying, so far as is practicable, the following particulars, *viz.* :—

(1)—The name of the person so relieved or maintained.

(2) The Presidency or District or part of British India of which he professes to be a Native.

(3)—The name of the ship in which he was brought to the United Kingdom.

(4)—The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival.

And the Government of India shall repay to the said overseers, guardians, or other persons, out of the revenues of British India, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

PART VIII.—OF SEAMEN'S WAGES.

(a)—Regulation of Advances.

87. No advance of wages shall be made or advance-note given to any person but the seaman himself. No advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and an accurate statement of the amount thereof. No advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

88. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

(b)—Allotment of Wages.

89. All stipulations for the allotment of any part of the wages of seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and times of the payments to be made. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some member of his family to be named in the note, and shall be payable to the Shipping Master on account of such

relative of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seamen.

90. The owner or any agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted

Owner, &c., to pay to Shipping Master the sums allotted.

by the note, when and as the same are made payable, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid. In the event of such sums not being

Sums on allotment-notes.

Evidence.

paid to the Shipping Master on demand the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court or Magistrate, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to shew satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

91. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note.

Receipts and payments by Shipping Master on account of allotment-notes.

All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his deputy, and the said book shall be at all times open to the inspection of the parties concerned.

(c) *Discharge and payment of Wages.*

92. All seamen discharged from any foreign-going ship at any port in British India in whatever part of Her Majesty's dominions the ship is registered

Discharge from foreign-going ships to be made before Shipping Master.

shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent Court otherwise directs. And any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding one hundred Rupees. In the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

93. Every master shall, not less than twenty-four hours before paying off or discharging any seaman,

Master to deliver account of wages.

deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the Local Government, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty Rupees. No deduction from the wages of any seaman (except in res-

pect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered. The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

94. Upon the discharge of any seaman or upon

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. If any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred Rupees. The master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him return such certificate, and shall in default incur a penalty not exceeding two hundred Rupees.

95. Every Shipping Master shall hear and decide any question what-

Shipping Master may decide questions which parties refer to him.

ever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be *prima facie* evidence thereof. An award made by

Enforcement of award.

a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section 106.

96. In any proceeding relating to the wages, claims, or discharge of any

Master and others to produce ship's papers to Shipping Masters and give evidence.

seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter. Every owner, agent, master, mate or other member of the crew who, when called upon by the Shipping Master, does not produce any such paper or document, as aforesaid if in his possession or power, or does not appear and give evidence, shall, unless he shews some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty Rupees.

Rules as to settlement of wages.

97. The following rules shall be observed with respect to the settlement of wages (that is to say),—

(1) Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively in the presence of the Shipping Master, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest the release and shall retain the same.

(2)—Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3)—A copy of such release, certified under the hand of such Shipping Master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy.

(4)—In cases in which discharge and settlement before a Shipping Master are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim.

(5)—Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

(d)—Legal Rights to Wages.

98. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

99. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. Nothing contained in the former part of this section shall apply to the case of any stipulation made by the seamen belonging to any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

100. No right to wages shall be dependent on the earning of freight. Every seaman and apprentice who would be entitled to demand and recover any wages

if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship cargo and stores, shall bar his claim.

101. If any seaman or apprentice to whom wages are due under the last preceding section dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

102. In cases where the service of any seamen terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act, 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

103. No seamen or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

104. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens. The seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

105. When any monies are payable in British India to any seaman or apprentice for wages, or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin

other than the current coin of the port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

Release to be signed before and attested by the Shipping Master.

To be a discharge.

And to be evidence.

No other receipt to be a discharge.

Voucher to be given to master and to be evidence.

Right to wages and provisions when to begin.

Seamen not to give up certain rights.

Salvage services.

Wages not to be dependent on the earning of freight.

In case of death, such wages to be paid as after-mentioned.

Rights to wages in case of termination of service by wreck or illness.

Wages not to accrue during refusal to work or imprisonment.

Period within which wages are to be paid.

What sum in the current coin of India shall be recovered by seaman under an agreement expressing his wages, &c., to be payable in a foreign coin.